

**ADOPTION OF THE
TAVERNIER CREEK TO MILE MARKER 97
LIVABLE COMMUNIKEYS MASTER PLAN
AND AMENDMENTS TO THE
YEAR 2010 COMPREHENSIVE PLAN
AND
FUTURE LAND USE AND LAND USE DISTRICT MAPS**

Amendments to the Year 2010 Comprehensive Plan and the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 incorporating revisions approved by the Board of County Commissioners. The amendments include the addition of Action Items, changes to Action Items and the deletion of Action Items. Future Land Use Map and Land Use District Map changes are proposed pursuant to Action Item 1.4.2 of the Master Plan.

DCA:	Letter	November 5, 2004	ORC
BOCC:	Transmittal	August 18, 2004	Resolution # -04
BOCC:	Approval	August 18, 2004	Ordinance # -04

DRAFT BOCC ORDINANCE

**TAVERNIER CREEK TO MILE MARKER 97
MASTER PLAN AND
FUTURE LAND USE MAP AMENDMENTS**

ORDINANCE NO. -2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE YEAR 2010 COMPREHENSIVE PLAN AND FUTURE LAND USE MAPS, AND ADOPTING THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; AND DIRECTING THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at a regularly scheduled meeting on August 18, 2004, the Monroe County Board of County Commissioners adopted the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 (referred to hereafter as the Master Plan) as the policy document to direct growth and development on Key Largo from Tavernier Creek to Mile Marker 97; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan (referred to hereafter as the Comprehensive Plan) Objective 101.20 identifies the Livable CommuniKeys Planning Program as a planning program designed to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, Policy 101.20.1 of the Comprehensive Plan directs Monroe County to develop a series of Community Master Plans which shall include specific criteria, including close coordination with other community plans ongoing in the same area and sets out twelve principles to direct development of the master plans; and

WHEREAS, the Master Plan is the product of the Livable CommuniKeys program as outlined in the Comprehensive Plan Objective 101.20; and

WHEREAS, in conjunction with the Master Plan a commercial corridor enhancements master plan was developed for lands within the right-of-way of the U.S. 1 corridor from MM 93.5 to Mile Marker 91, to improve the streetscape aesthetics of Tavernier and guide enhancements and design themes that recognized the distinctive flavor of Tavernier to create an identifiable and high quality image for the U.S.1 corridor; and

WHEREAS, the Master Plan planning area set as a vision: An island community committed to preserving its heritage, natural setting and stands of native tropical hardwood hammocks, with improvements to the visual character of the U.S. 1 corridor, limited redevelopment of commercial properties, and neighborhoods where residents have access to the water and recreational facilities ; and

WHEREAS, the Master Plan carries through with that vision providing for the preservation, restoration, acquisition and management of environmentally sensitive lands, protection and enhancement of the planning area's small town character, design guidelines and standards to guide renovation and redevelopment of the U.S 1 corridor and historic resources, controlled and directed commercial development, promotion and encouragement of the provision of employee and affordable housing, encouragement of multi-model transportation, vehicle, bicycle and pedestrian safety improvements, enhancement of existing park facilities and provision of additional recreational resources; and

WHEREAS, the Master Plan will be adopted as a part of the Comprehensive Plan, and therefore any conflicts between the two must be resolved; and

WHEREAS, the Strategies and Action Items in the Master Plan are the equivalent to the Objectives and Policies in the Comprehensive Plan; and

WHEREAS, as part of the comprehensive Livable CommuniKeys Program process, Future Land Use Map amendments are proposed to bring properties into conformance with the Master Plan and other guiding documents; and

WHEREAS, the proposed amendments were reviewed during a meeting of the Development Review Committee on March 8, 2004, where staff and public comment were received; and

WHEREAS, during a regularly scheduled meeting on June 23, 2004, the Monroe County Planning Commission reviewed the amendments and recommended approval, to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners examined the proposed amendments to the Year 2010 Comprehensive Plan and Future Land Use Map submitted by the Monroe County Planning Department at a public hearing on August 18, 2004 and approved a Transmittal Resolution to transmit the plan and map amendments to the Florida Department of Community Affairs (DCA); and

WHEREAS, the Florida Department of Community affairs (DCA) responded to the county transmittal on November 5, 2004 in an Objection, Recommendations and Comments report prepared pursuant to Rule 9J-11.010; and

WHEREAS, during a regularly scheduled meeting on February 16, 2005, the Board of County Commissioners reviewed the report from DCA, and amendments recommended by staff to the proposed Comprehensive Plan and the Master Plan; and

WHEREAS, the Board of County Commissioners were presented with the following information, which by reference is hereby incorporated as part of the record of said hearing:

1. The Staff Report prepared January 18, 2005 by K. Marlene Conaway, Director, Planning and Environmental Resources;
2. Objection, Recommendations and Comments report prepared by the Florida Department of Community Affairs (DCA); dated November 5, 2004;
3. Proposed changes to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map and Land Use District Map;
4. Comments by the public; and

WHEREAS, the Monroe County Board of County Commissioners makes the following Findings of Fact based on the evidence presented:

1. Objective 101.20 mandates that the county complete a series of Community Master Plan documents to address local needs while balancing the needs of all of Monroe County. The Tavernier Creek to Mile Marker 97 Master Plan requires implementation of the recommended Strategies and Action Items. The Master Plan must be adopted as an amendment to and a part of the Monroe County Year 2010 Comprehensive Plan.
2. Policy 101.20.1 requires the county to develop each Community Master Plan in accordance with Twelve (12) specific principles.
3. The Master Plan utilizes the Land Use District Map and Future Land Use Map (FLUM) to regulate land use type, density and intensity on a parcel basis within the planning area.
4. The Master Plan reviewed non-conforming land uses to identify their most appropriate Land Use District Map and Future Land Use Map designations. Action Item 1.4.2 (1) identifies by real estate parcel numbers, properties that are non-conforming now that are appropriately located and should be allowed to continue with all the rights of a conforming land use through amendment to the Land Use District Map and Future Land Use Map.
5. The Master Plan reviewed county owned properties to identify their most appropriate Land Use District Map and Future Land Use Map designations. Action Item 1.4.2 (2) identifies by real estate parcel numbers, county owned properties that are environmentally sensitive and in order to limit development and preserve them for the future re-designates them from Improved Subdivision (IS) to Native Area (NA)

and from Residential Medium (RM) to Residential Conservation (RC) on the Land Use District Map and Future Land Use Map respectively.

6. The Master Plan identified undeveloped properties designated as commercial within the FLUM that are located within established, built-out neighborhoods. Action Item 1.4.2 (3) identified by real estate parcel numbers, properties to be removed from commercial consideration by changing the Future Land Use Map designation from Mixed-Use Commercial (MC) to Residential Medium (RM).

WHEREAS, the Monroe County Board of County Commissioners makes the following Conclusions of Law based on the evidence presented:

1. The Livable CommuniKeys Program requires Monroe County to produce a series of Community Master Plans which address local needs while balancing the needs of all of Monroe County; and
2. The Master Plan is adopted as the policy document to direct growth and development from Tavernier Creek to Mile Marker 97; and
3. The Master Plan, as adopted, recommends the amendments proposed by this ordinance in order to avoid conflicts with existing Objectives and Policies and to enable the implementation of the Livable CommuniKeys Program; and
4. The proposed amendments are internally consistent with and further the Goals, Objectives and Policies of the Year 2010 Comprehensive Plan and the Principles of Building Development set forth in Chapter 380, Florida Statutes; and

WHEREAS, the Monroe County Board of County Commissioners hereby supports the recommendation of the Monroe County Planning Department; and

WHEREAS, it is the desire of the Monroe County Board of County Commissioners that the following amendment to the Monroe County Code be approved, adopted and transmitted to the state land planning agency for approval.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. Adopt the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 as an amendment to the Monroe County Year 2010 Comprehensive Plan.

Section 2. Amend Policy 101.20.2 in the Monroe County Year 2010 comprehensive Plan to read as follows:

Policy 101.20.2 The Community Master Plans shall be incorporated into the 2010 Comprehensive plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principals outlined in this section and adopted by the Board of County Commissioners:

1. Master Plan for Future Development of Big Pine Key and No Name Key, dated August 2004 and adopted by the Board of County Commissioners on August 18, 2004 is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objective in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.
2. The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 dated February 11, 2005 and adopted by the Board of County Commissioners on February 16, 2005 is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objective in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.

Section 3. Change the Future Land Use Map designation of parcels identified with following real estate parcel numbers from Residential Medium (RM) to Mixed Use Commercial (MC):
566000.000000, 566240.000000, 477140.000000, 566120.000000, 477150.000000, 477160.000000, 477170.000000, 477210.000000, 477180.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 1A, 1B and 1C.

Section 4. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Mixed Use (MU):
566000.000000, 566240.000000, 477140.000000, 566120.000000, 477150.000000, 477160.000000, 477170.000000, 477210.000000, 477180.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 1D, 1E and 1F.

Section 5. Change the Future Land Use Map designation of parcels identified with following real estate parcel numbers from Residential Medium (RM) to Residential Conservation (RC):

476750.000000, 476760.000000, 476770.000000, 476780.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 2A, 2B and 2C.

Section 6. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Native Area (NA):

476750.000000, 476760.000000, 476770.000000, 476780.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 2D, 2E and 2F.

Section 7. Change the Future Land Use Map designation of parcels identified with following real estate parcel numbers from Mixed Use Commercial (MC) to Residential Medium (RM):

555880.000000, 556090.000000, 556080.000000, 555860.000000, 555910.000000, 555890.000000, 555960.000000, 555970.000000, 555850.000000, 555840.000000, 556010.000000, 555830.000000, 556020.000000, 555820.000000, 556040.000000, 556030.000000, 555990.000000, 556070.000000, 556000.000000, 556060.000000, 556050.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 3A, 3B and 3C.

Section 8. Change the Future Land Use Map designation of the parcel identified with following real estate parcel number from Residential Medium (RM) to Mixed Use Commercial (MC):

482310.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 4A, 4B and 4C.

Section 9. Change the Future Land Use Map designation of a parcel identified with following real estate parcel number from Residential Medium (RM) and Residential High (RH) to Mixed Use Commercial (MC):

482320.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 4A, 4B and 4C.

Section 10. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 11. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 12. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission finding the amendment in complete compliance with Florida Statutes.

Section 13. This ordinance shall be transmitted by the Planning Department to the Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 14. The Monroe County Staff is authorized to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.006 of the Florida Administrative Code.

PASSED AND ADOPTED BY THE Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David P. Rice _____
Commissioner Murray Nelson _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Dixie Spehar

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK



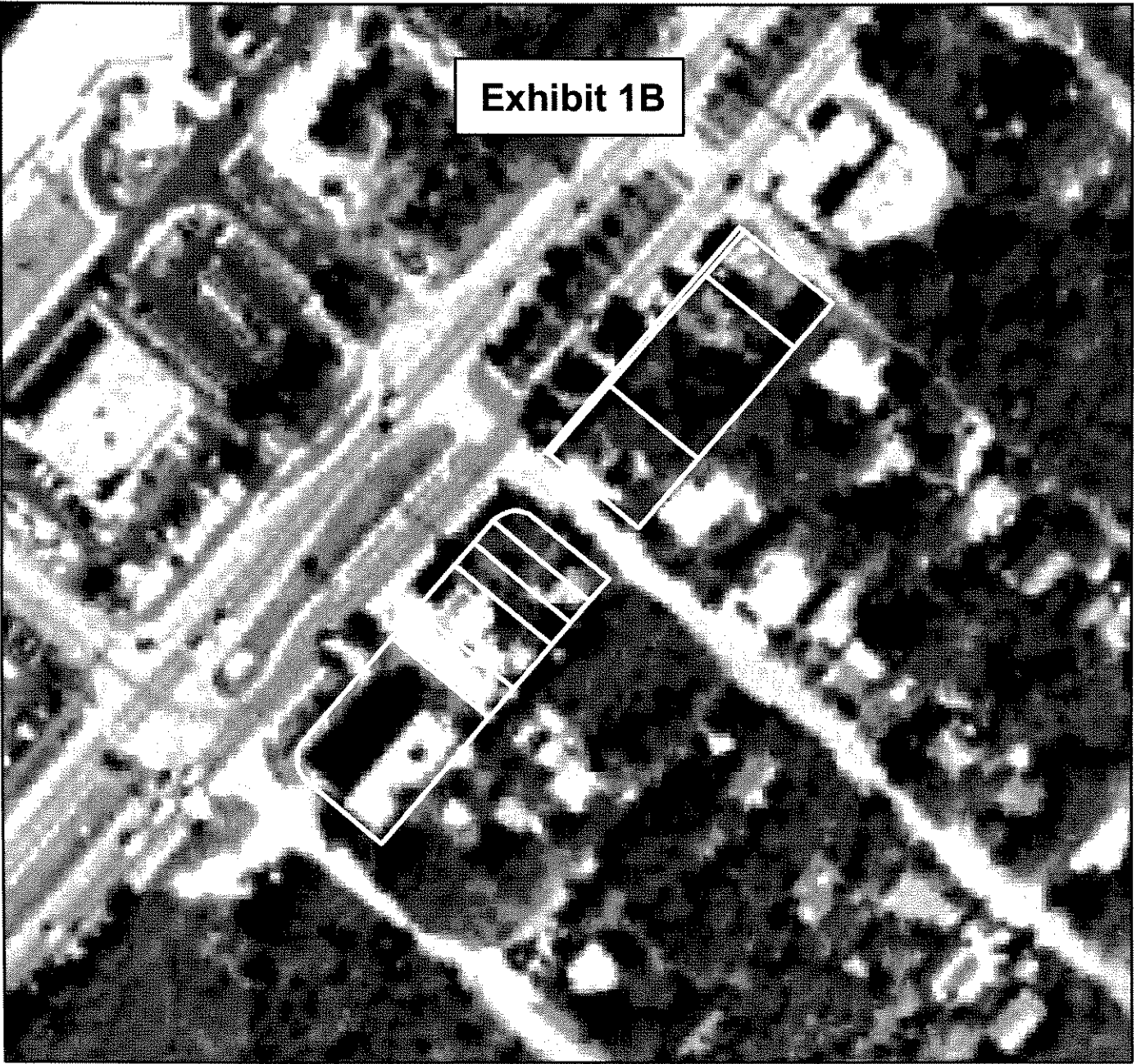
DEPUTY CLERK

Exhibit 1A

SUNSET RD
COTTAGE
LA
TAVIER
SHOPPING
CENTER
OVERSEAS
SHIPBUILDING
CO
POINT
LOWE
Site

Land Use District Map #: 152 and 155

Exhibit 1B



Proposed Future Land Use Map Amendment: Aerial

Key: Key Largo

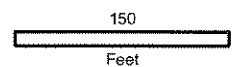
Mile Marker: 91.5

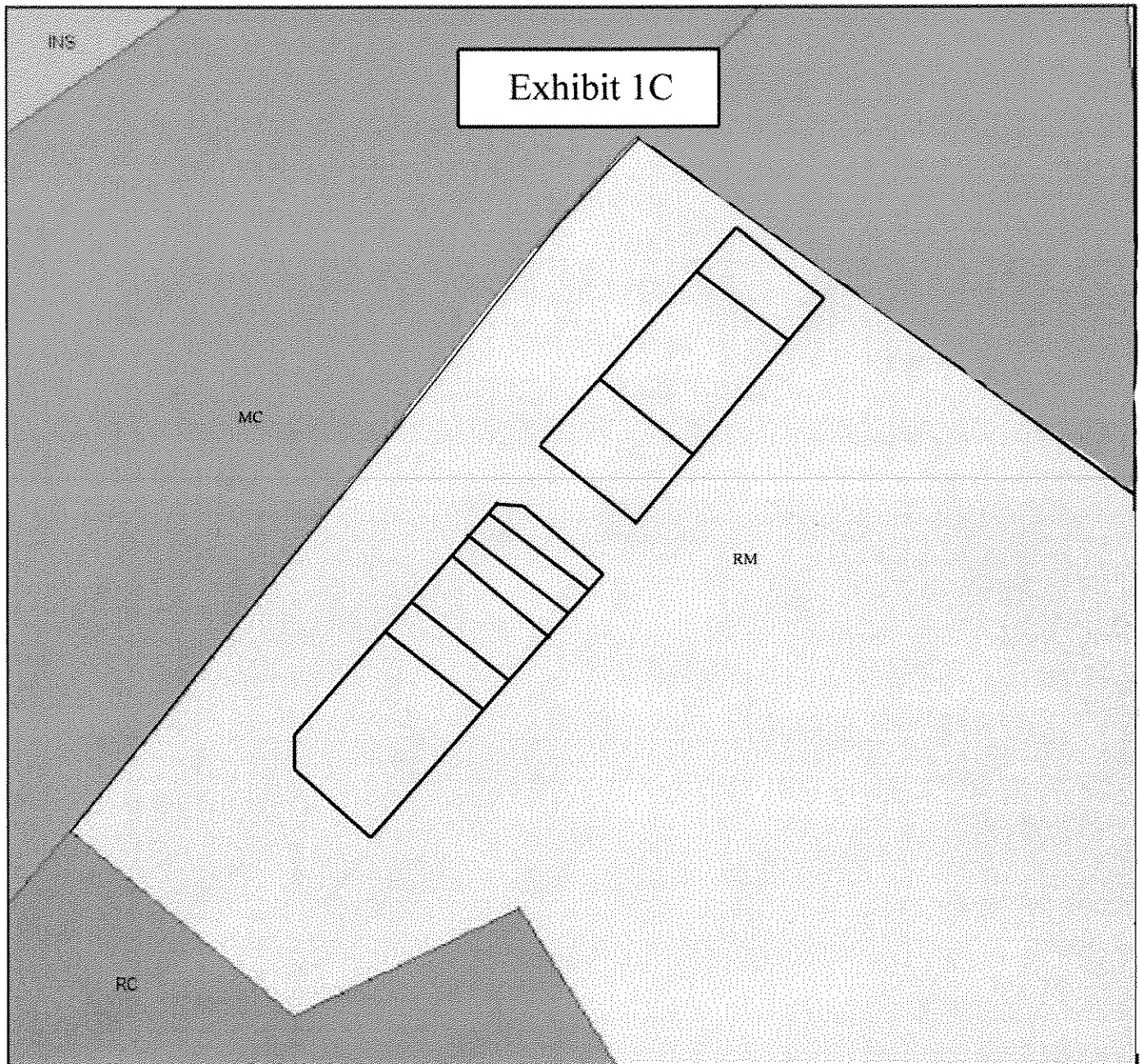
Proposal: Change Future Land Use District from RM to MC

Property Description: RE 566000, 566240, 477140, 566120, 477150, 477160, 477170, 477210, 477180

Map Amendment: M24064

Land Use District Map #: 152 and 155





Proposed Future Land Use Map Amendment: Aerial

Key: Key Largo

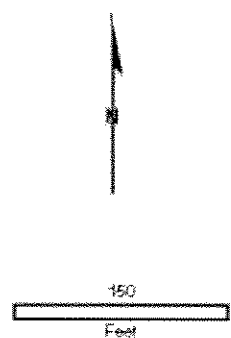
Mile Marker: 91.5

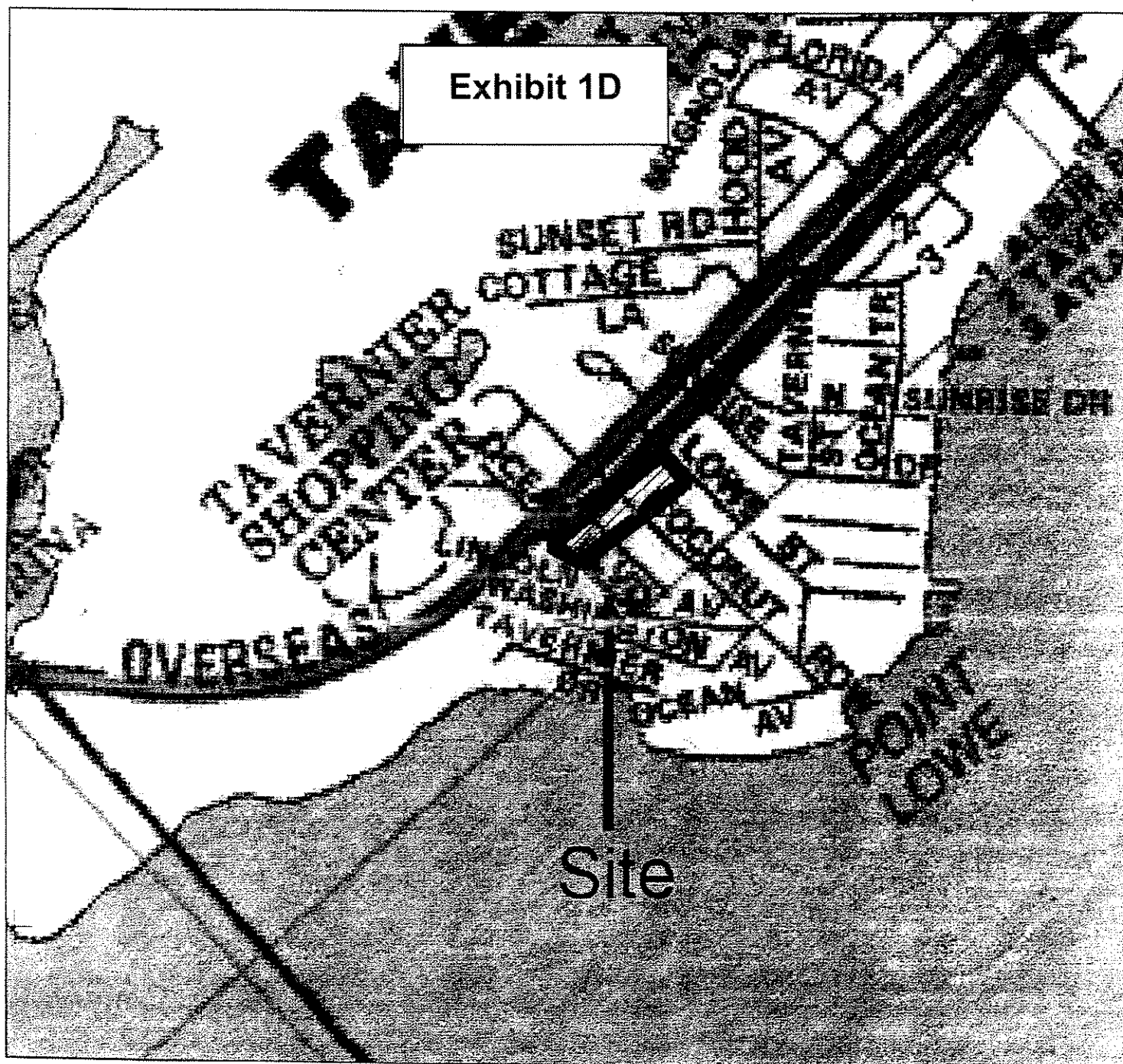
Proposal: Change Future Land Use District from RM to RC

Property Description: RE 566000, 566240, 477140, 566120, 477150, 477160
477170, 477210, 477180

Map Amendment: M24064

Land Use District Map #: 152 and 155





Proposed Land Use District Map Amendment: Street Map

Key: Key Largo

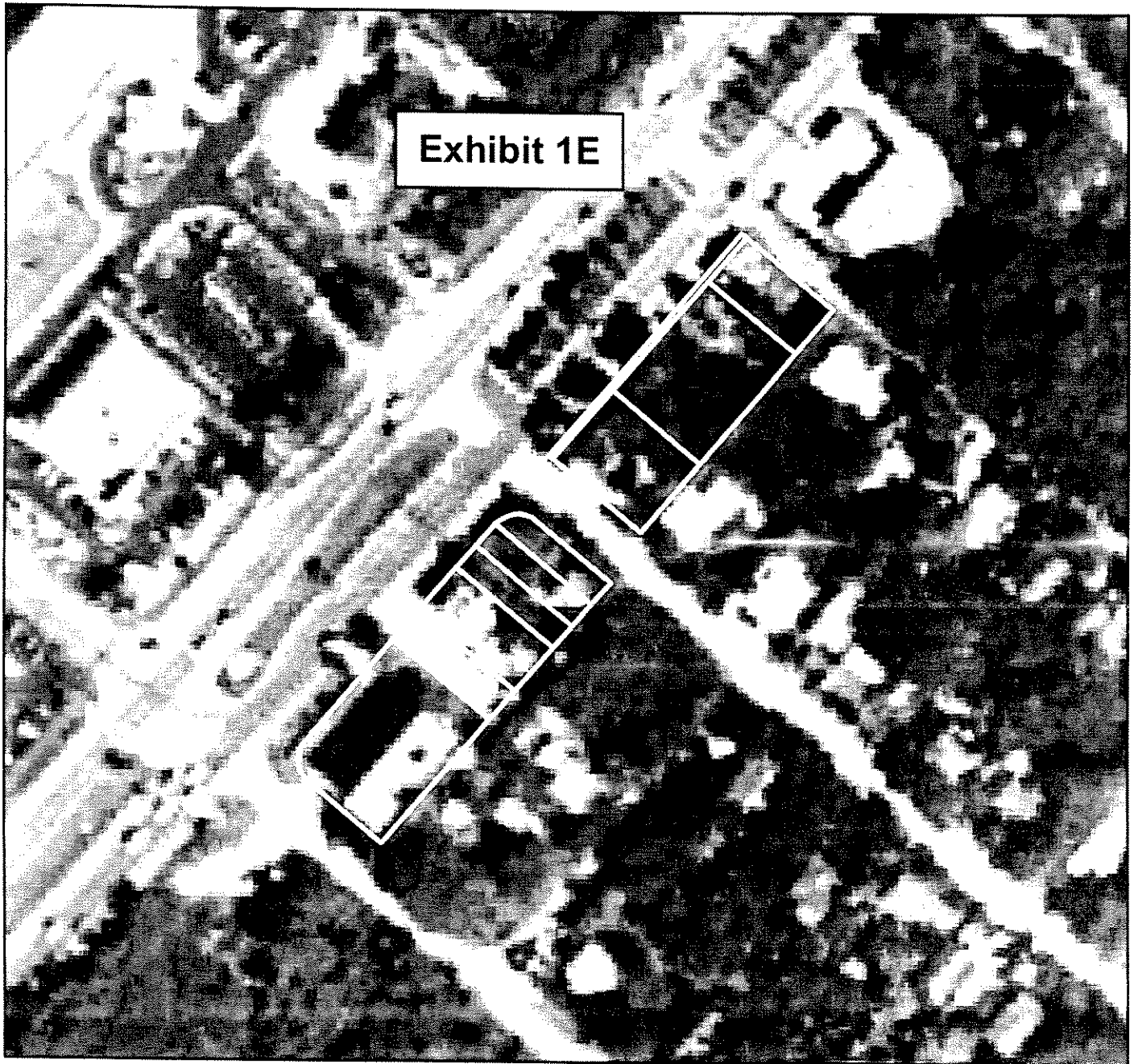
Mile Marker: 91.5

Proposal: Change Land Use District from IS to MU

Property Description: RE 566000, 566240, 477140, 566120, 477150,
477160, 477170, 477210, , 477180

Map Amendment: M24064

Land Use District Map #: 152 and 155



Proposed Land Use Map Amendment: Aerial

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Land Use District from IS to MU

Property Description: RE 566000, 566240, 477140, 566120, 477150,
477160, 477170, 477210, , 477180

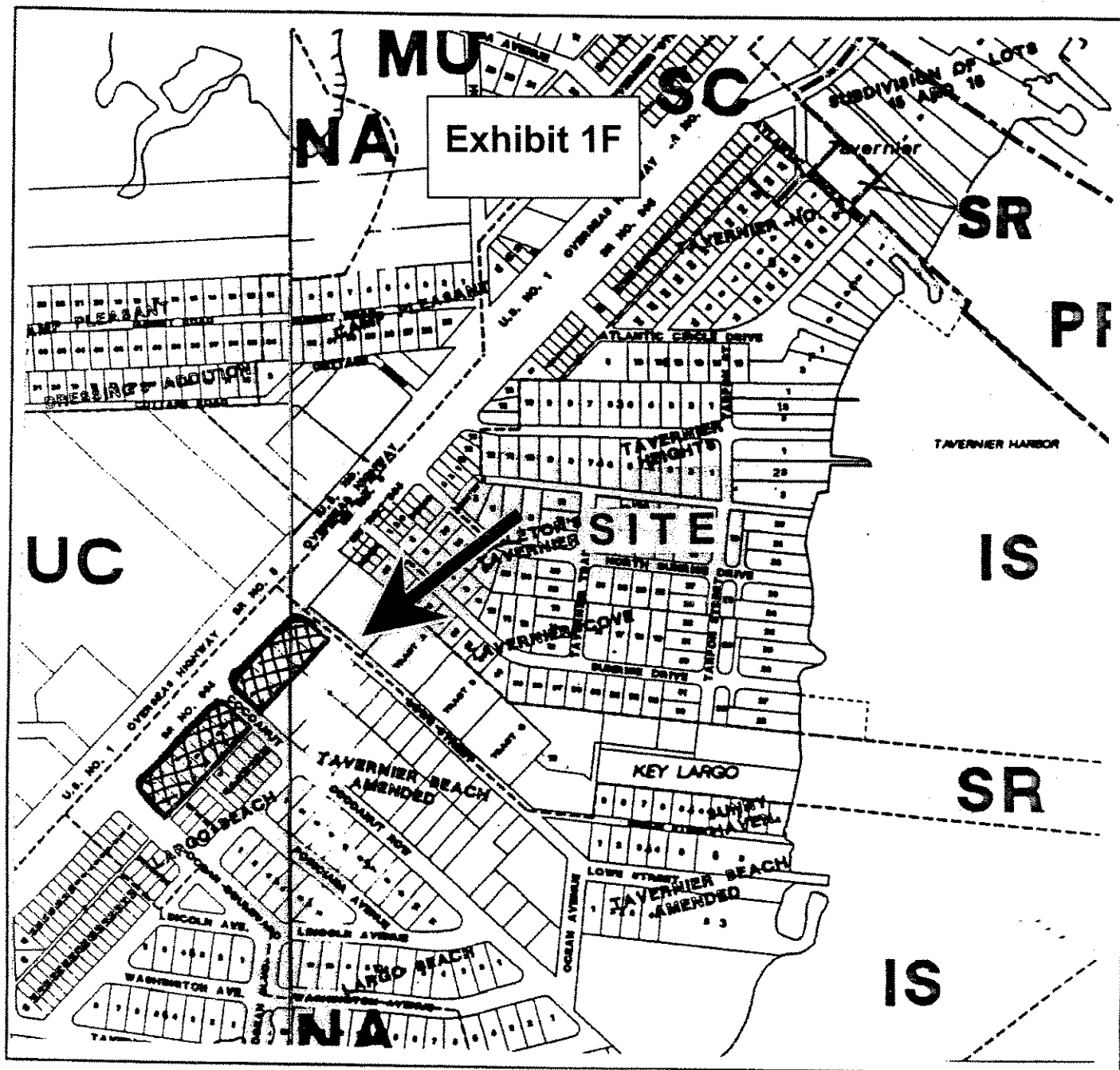
Map Amendment: M24064

Land Use District Map #: 152 and 155



150

Feet



The Monroe County Land Use District Map is proposed to be amended as indicated above and briefly described as:

Key: Key Largo

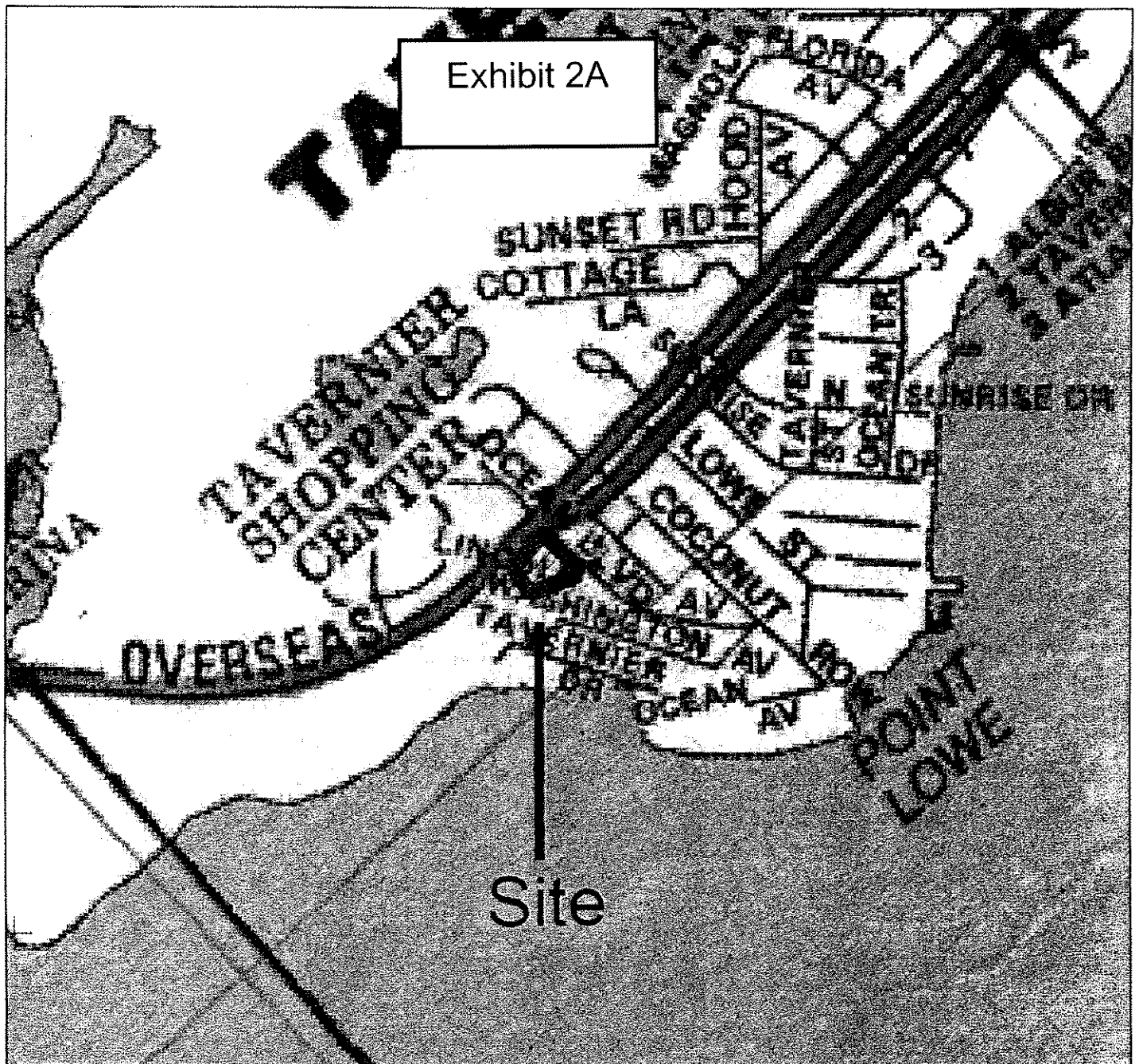
Mile Marker: 91.5

Proposal: Change Land Use District from IS to MU

Property Description: RE 566000, 566240, 477140, 566120, 477150, 477160, 477170, 477210, , 477180

Map Amendment: M24064

Land Use District Map #: 152 and 155



Proposed Future Land Use Map Amendment: Street Map

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Future Land Use District from RM to RC

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155



Proposed Future Land Use Map Amendment: Aerial

Key: Key Largo

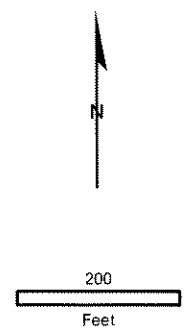
Mile Marker: 91.5

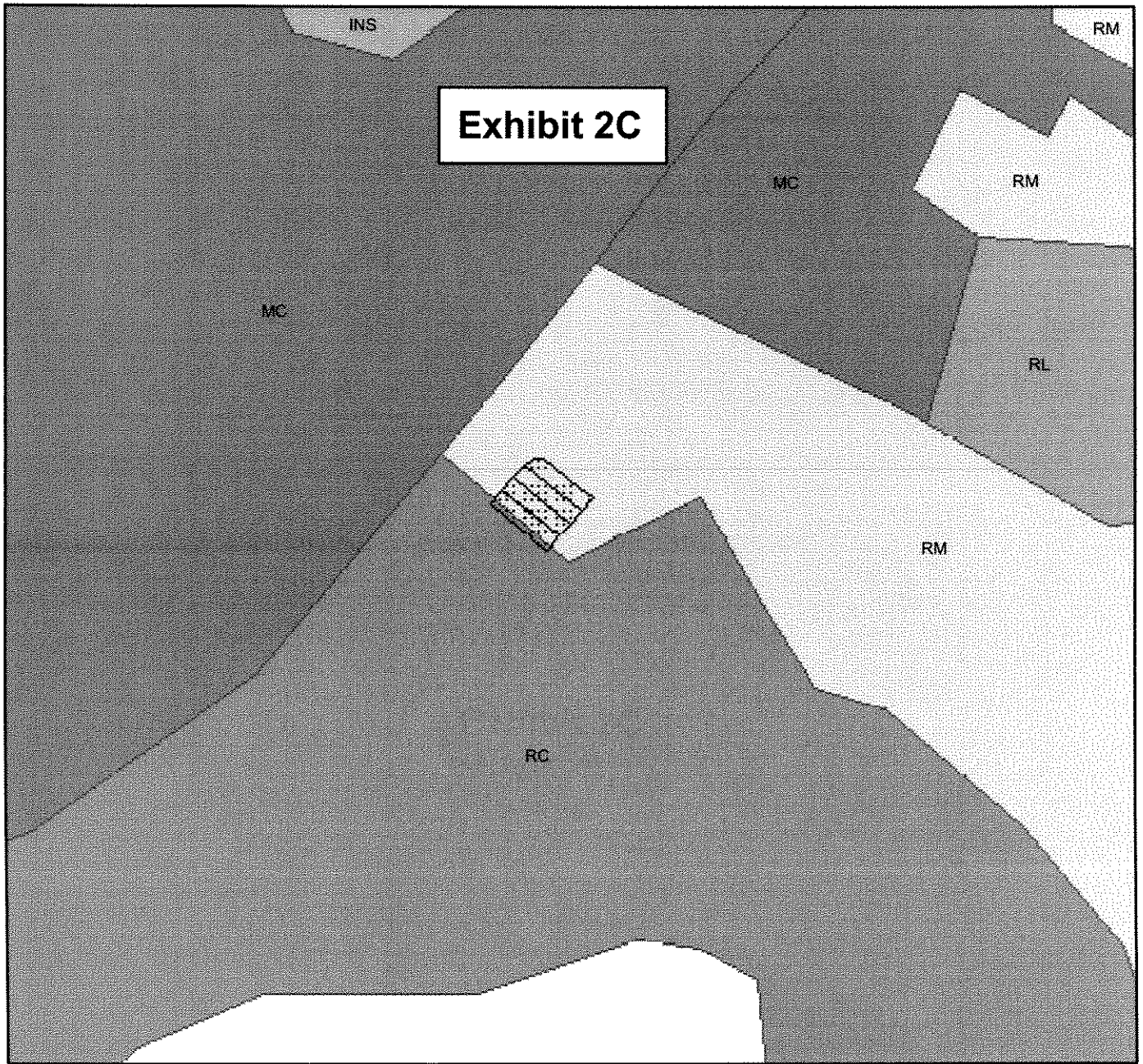
Proposal: Change Future Land Use District from RM to RC

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155





**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

Key: Key Largo

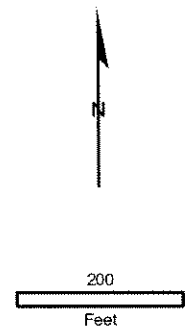
Mile Marker: 91.5

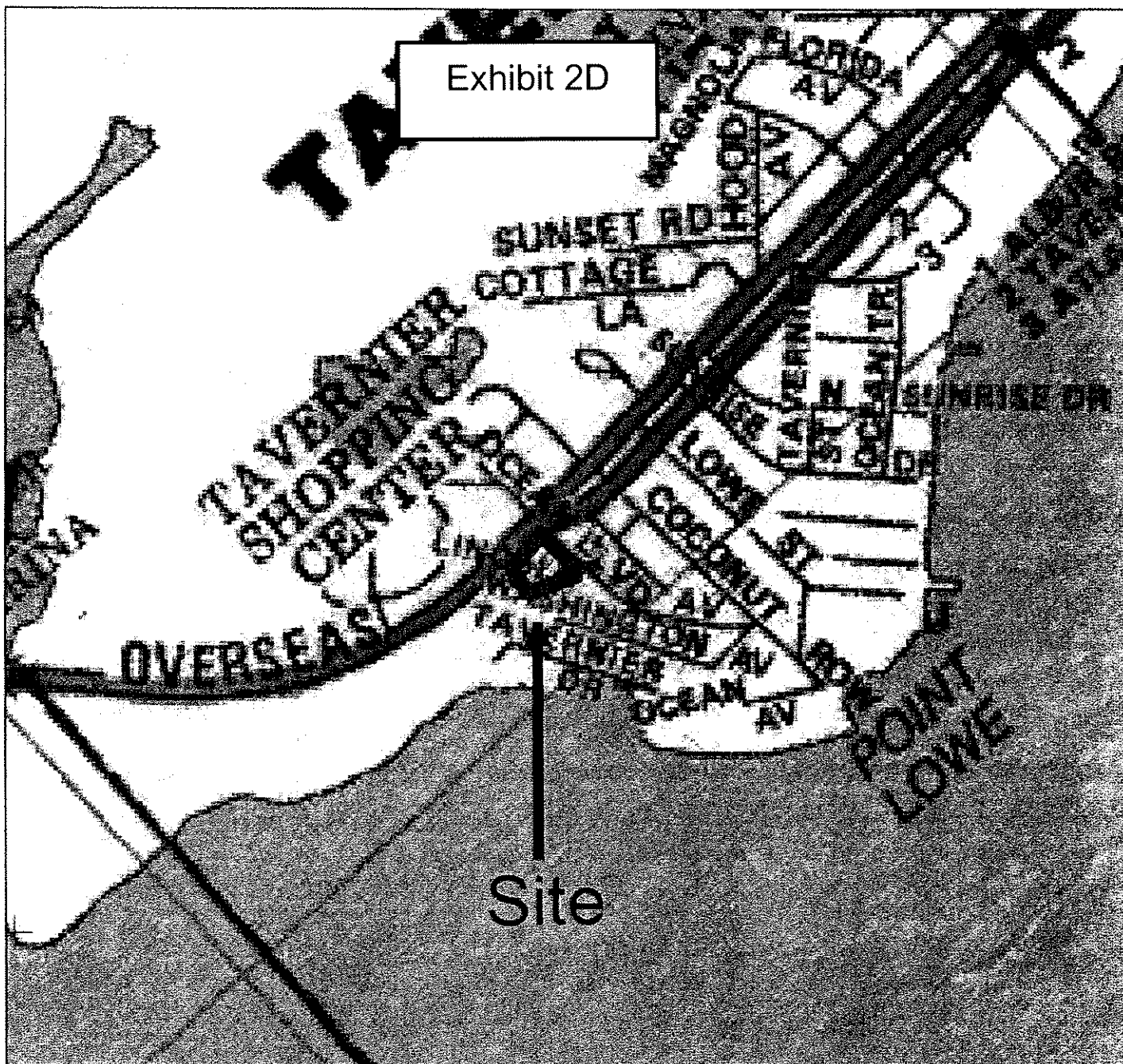
Proposal: Change Future Land Use District from RM to RC

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155





Proposed Land Use District Map Amendment: Street Map

Key: Key Largo

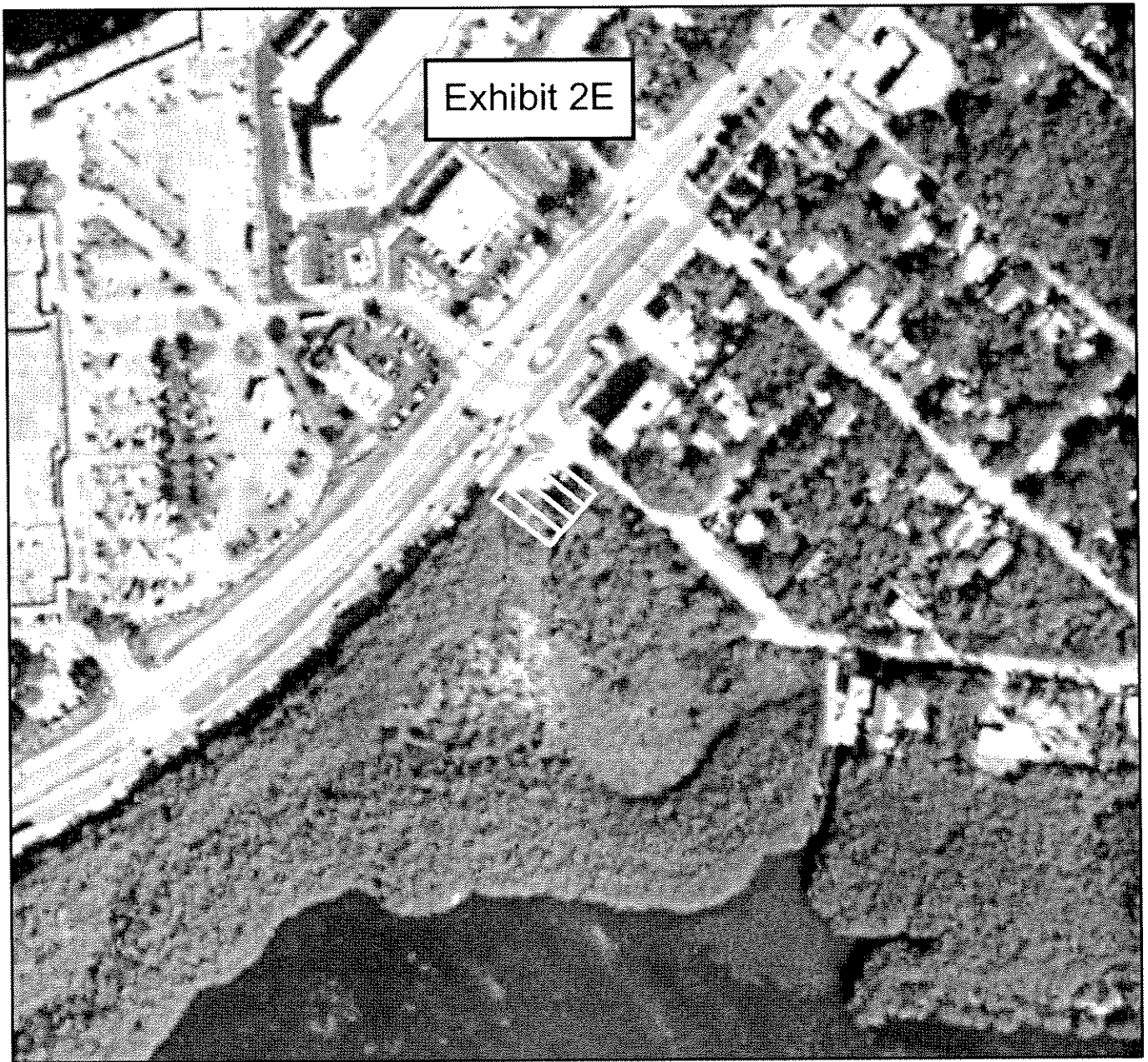
Mile Marker: 91.5

Proposal: Change Land Use District from IS to NA

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155



Proposed Land Use District Map Amendment: Aerial

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Land Use District from IS to NA

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155

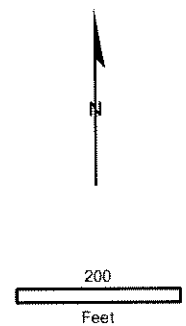
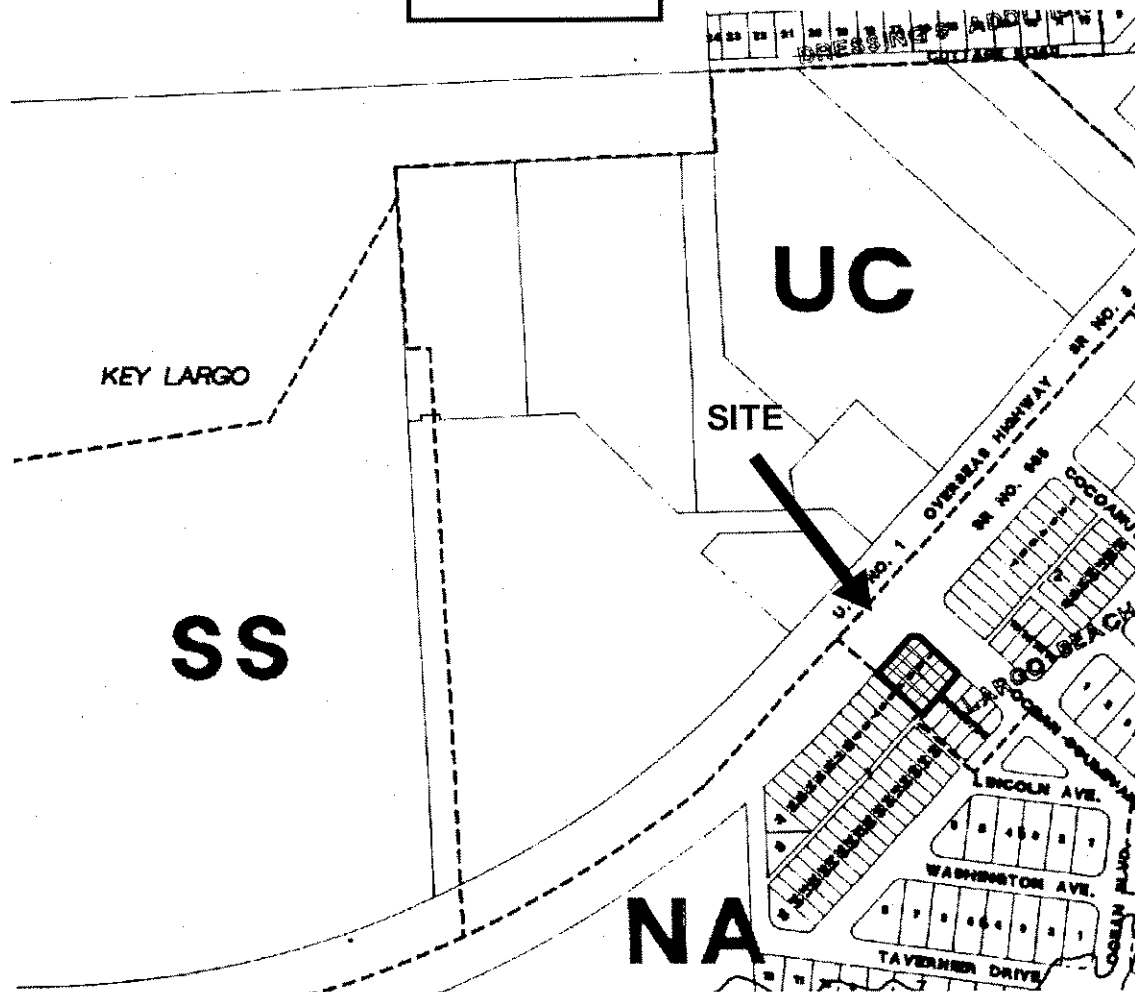


Exhibit 2F



The Monroe County Land Use District Map is proposed to be amended as indicated above and briefly described as:

Key: Key Largo

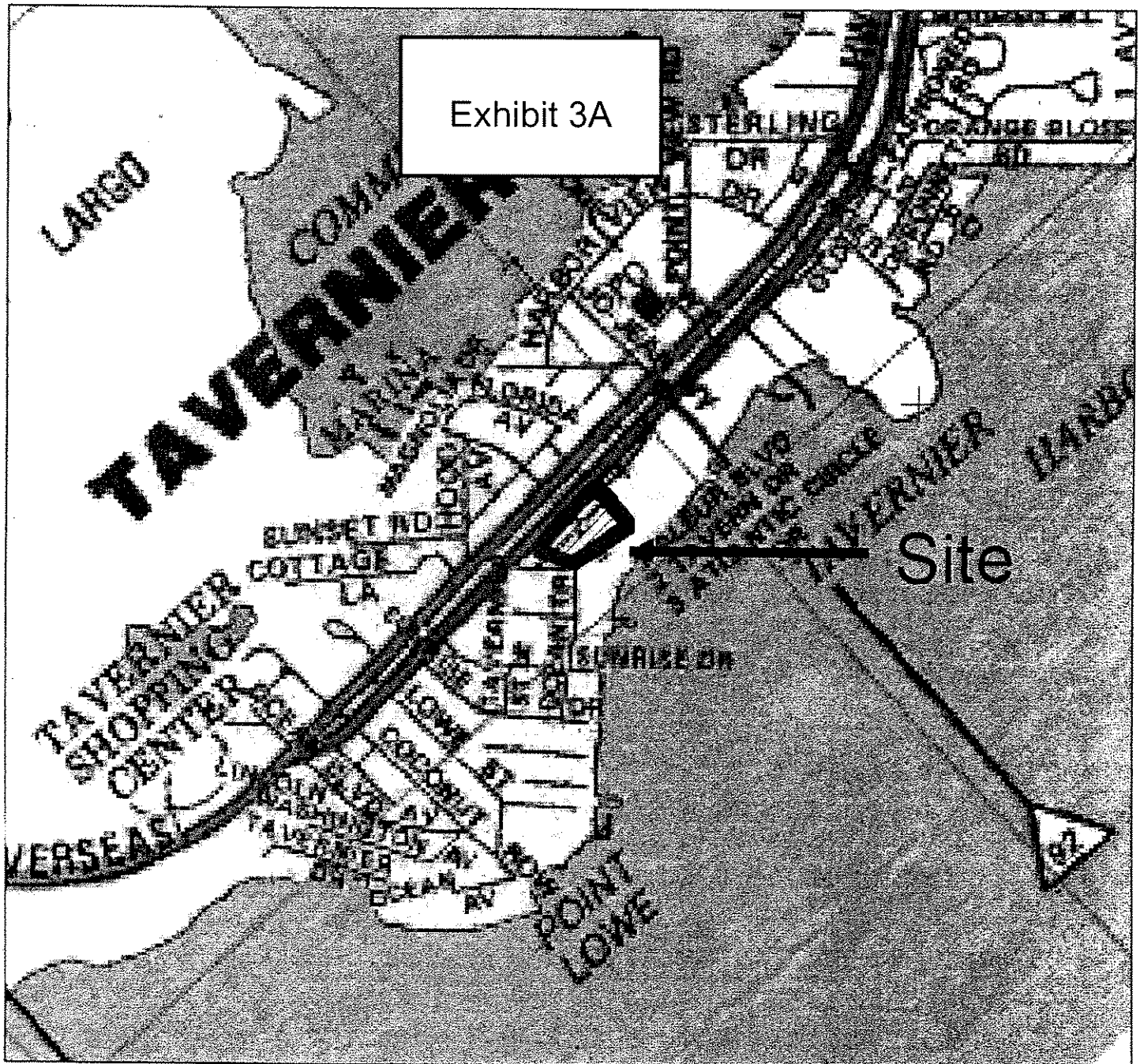
Mile Marker: 91.5

Proposal: Change Land Use District from IS to NA

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155



Proposed Future Land Use District Map Amendment: Street Map

Key: Key Largo

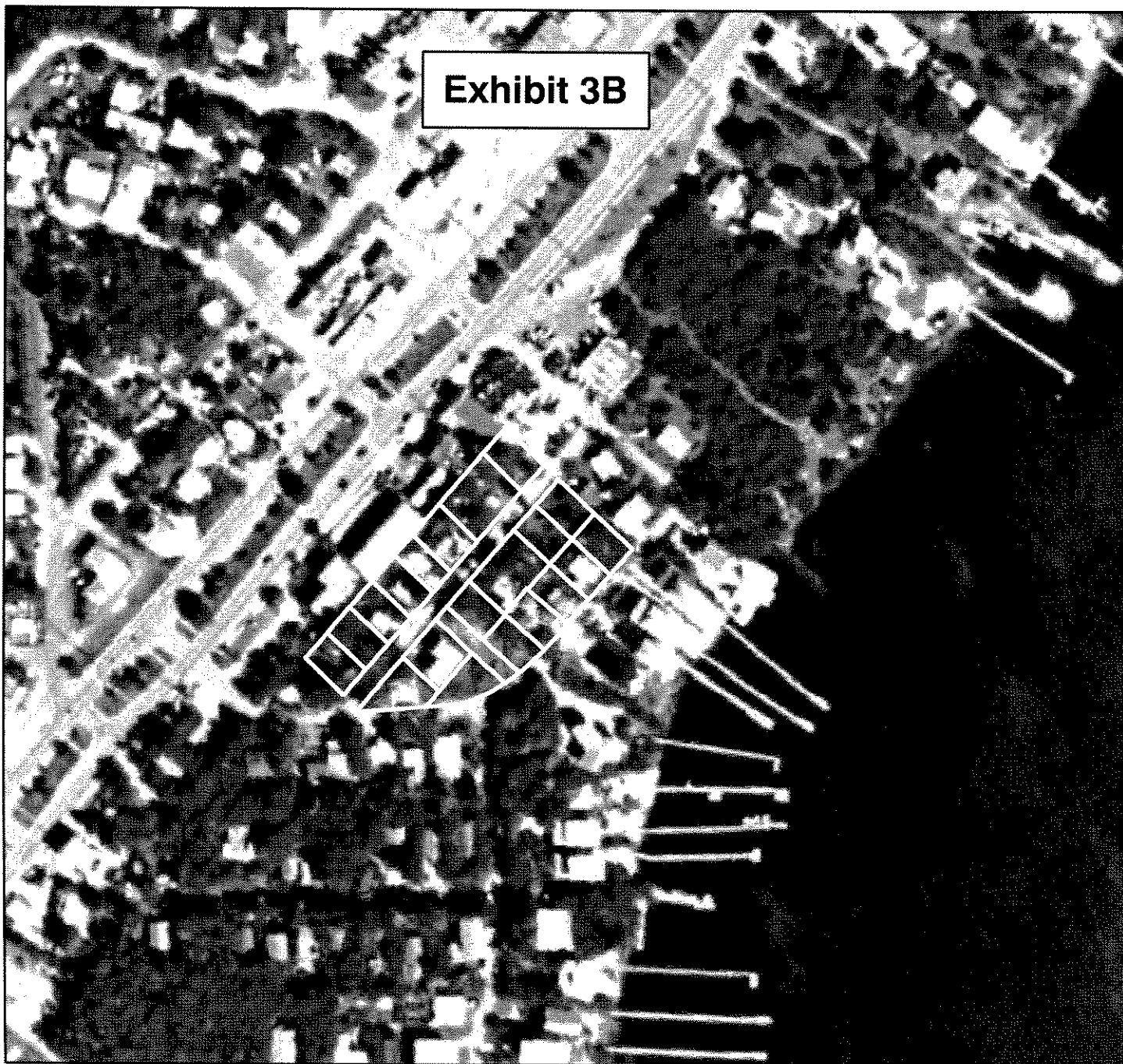
Mile Marker: 91.5

Proposal: Change Future Land Use District from MC to RM

Property Description: RE 555880, 556090,
556080, 555860, 555910, 555890, 555960, 555970, 555850,
555840, 556010, 555830, 556020, 555820, 556040,
556030, 555990, 556070, 556000, 556060, 556050

Map Amendment: M24604

Land Use District Map #: 155



Proposed Future Land Use District Map Amendment: Aerial

Key: Key Largo

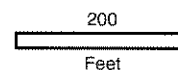
Mile Marker: 91.5

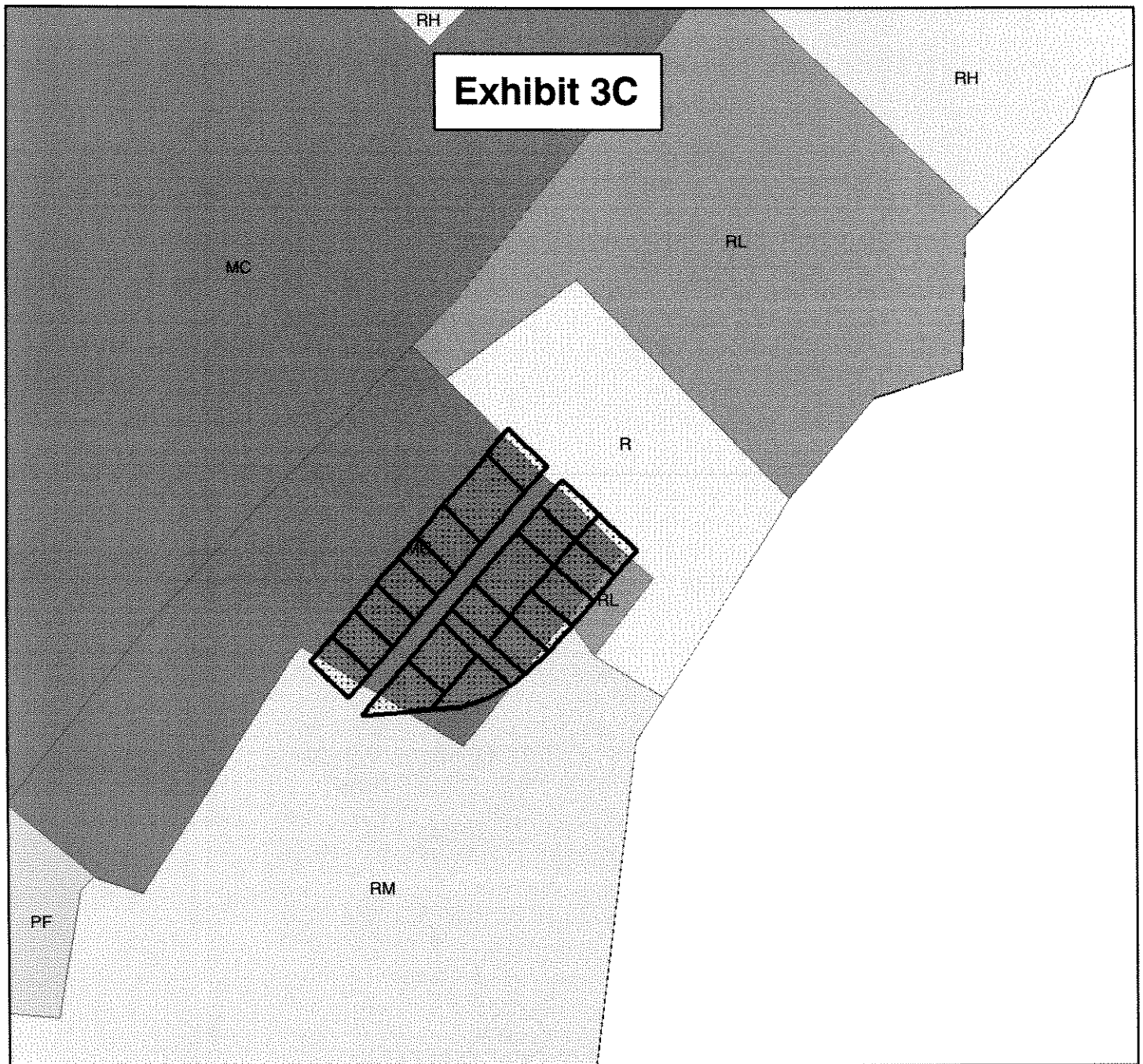
Proposal: Change Future Land Use District from MC to RM

Property Description: RE 555880, 556090,
556080, 555860, 555910, 555890, 555960, 555970, 555850,
555840, 556010, 555830, 556020, 555820, 556040,
556030, 555990, 556070, 556000, 556060, 556050

Map Amendment: 24064

Land Use District Map #: 155





**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as**

Key: Key Largo indicated above and briefly described as:

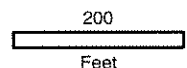
Mile Marker: 91.5

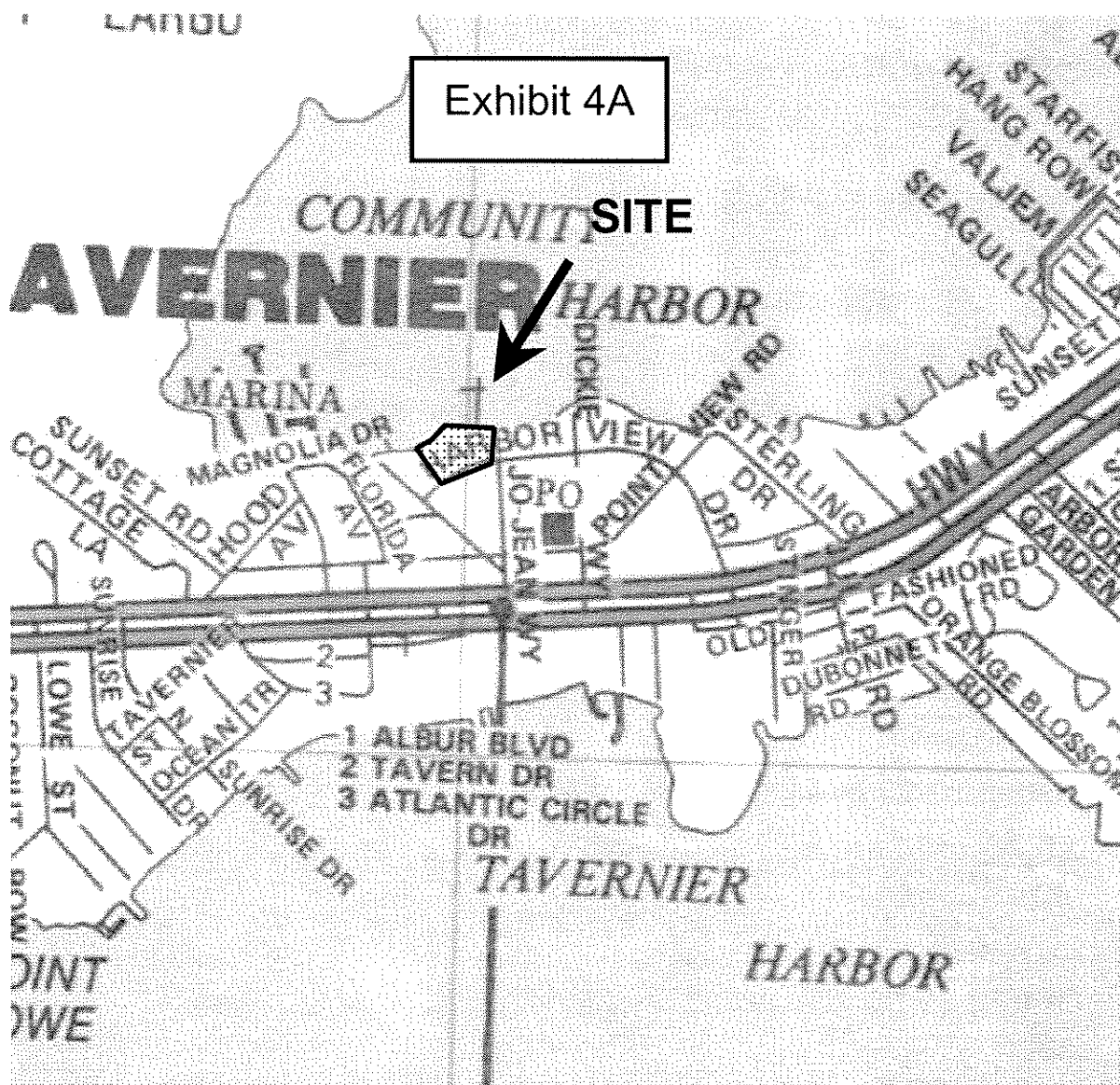
Proposal: Change Future Land Use District from MC to RM

**Property Description: RE 555880, 556090,
556080, 555860, 555910, 555890, 555960, 555970, 555850,
555840, 556010, 555830, 556020, 555820, 556040,
556030, 555990, 556070, 556000, 556060, 556050**

Map Amendment: 24064

Land Use District Map #: 155





Proposed Future Land Use Map Amendment: Street Map

Key: Key Largo

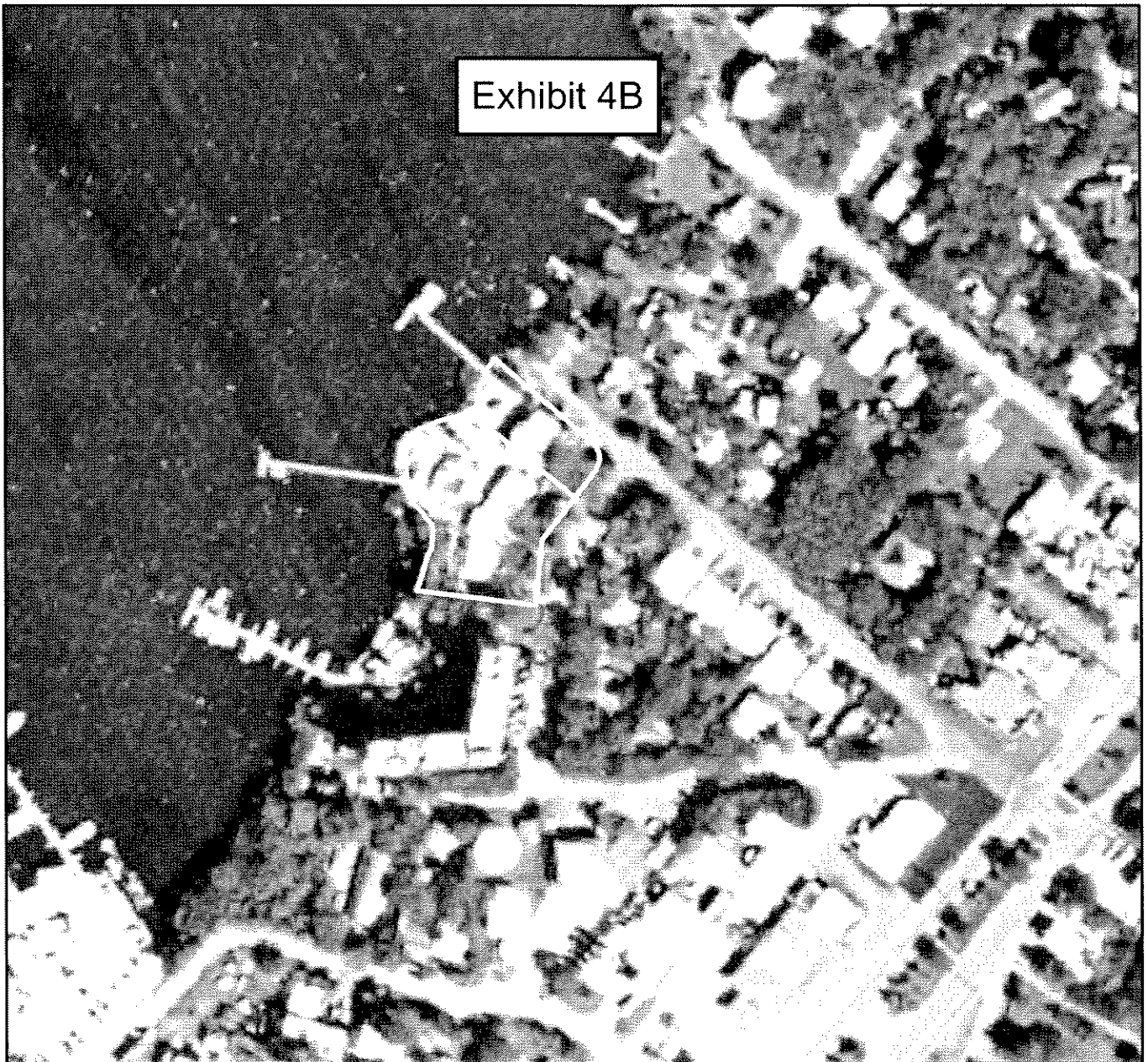
Mile Marker: 92

Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Map Amendment: M24064

Land Use District Map #: 151



Proposed Future Land Use Map Amendment: Aerial

Key: Key Largo

Mile Marker: 92

Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Map Amendment: M24064

Land Use District Map #: 151

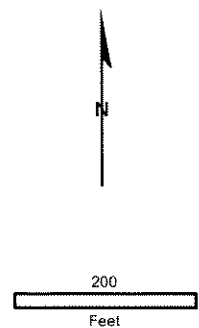
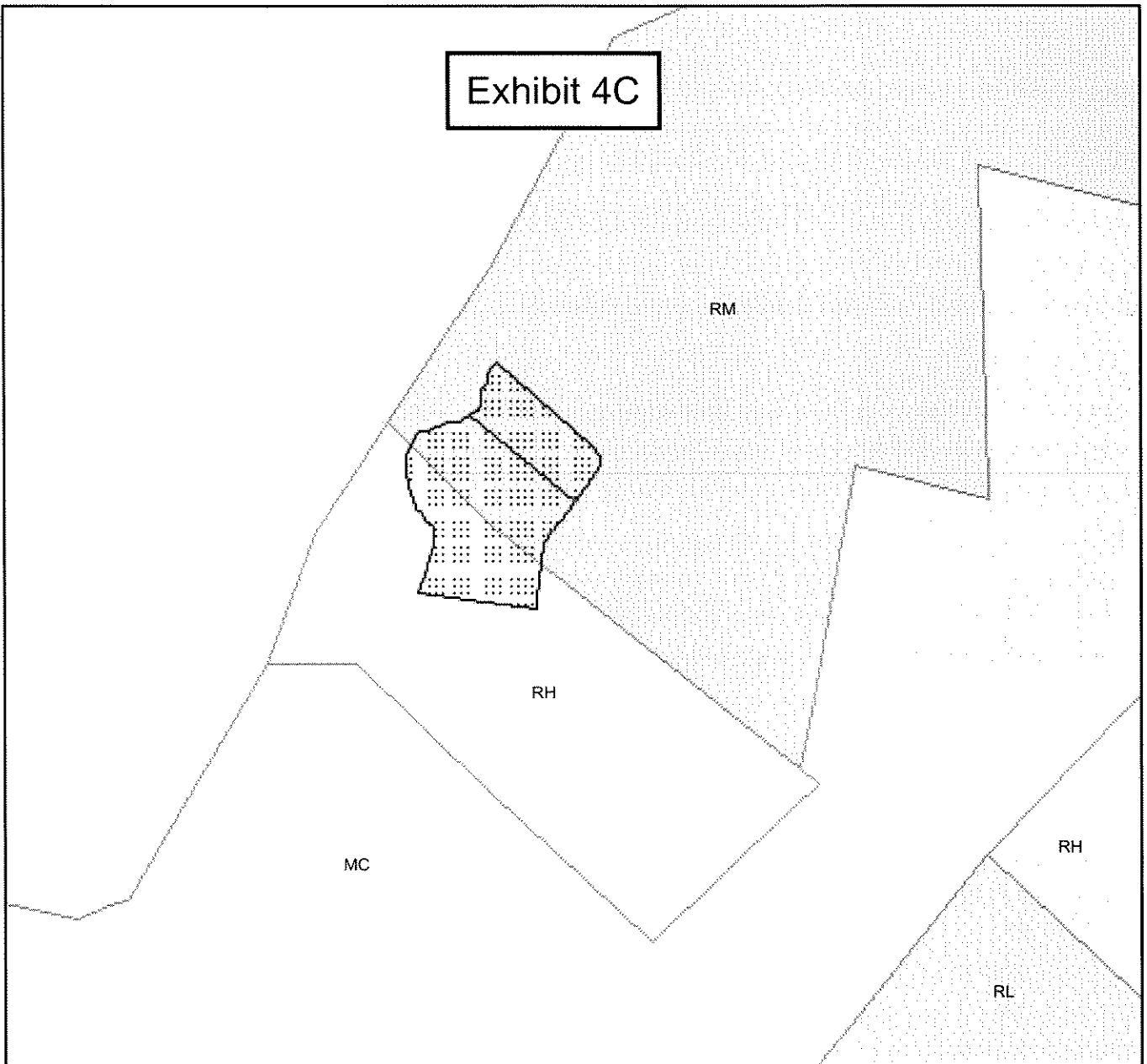


Exhibit 4C



**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

Key: Key Largo

Mile Marker: 92

Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Map Amendment: M24064

Land Use District Map #: 151

N

200
Feet

**BOARD OF COUNTY COMMISSIONERS
LAND USE DISTRICT MAP
ORDINANCE**

ORDINANCE NO. -2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE CHANGES TO THE LAND USE DISTRICT MAP FOR TAVERNIER CREEK TO MILE MARKER 97 AS DETAILED IN THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 DATED FEBRUARY 2005; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; AND DIRECTING THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at a regularly scheduled meeting on August 18, 2004, the Monroe County Board of County Commissioners held the first of two public hearings on the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 (referred to hereafter as the Master Plan) as the policy document to direct growth and development from Tavernier Creek to Mile Marker 97; and

WHEREAS, the proposed Comprehensive Plan and Future Land Use Map and Land Use District Map changes have been recommended by the Master Plan, as adopted on August 18, 2004 and the adoption resolution states that the Future Land Use Map and Land Use District Map changes would be brought before the Commission at a subsequent hearing; and

WHEREAS, the Master Plan is the product of the Livable CommuniKeys program as outlined in the Monroe County Year 2010 Comprehensive Plan Objective 101.20 which is to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, as a part of the comprehensive LCP process, Future Land Use Map and Land Use District Map amendments are proposed to bring properties in conformity with the Master Plan and other guiding documents; and

WHEREAS, the proposed amendments were reviewed during a meeting of the Development Review Committee on March 8, 2004, where staff and public comment were received; and

WHEREAS, during a regularly scheduled meeting on June 23, 2004, the Monroe County Planning Commission reviewed the amendments and recommended approval, to the Board of County Commissioners; and

WHEREAS, the Master Plan in Action Item 1.4.2 included the changes to the Future Land Use Maps and Land Use District Maps;

WHEREAS, the Future Land Use Map amendments were adopted with the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 in Action Item 1.4.2 (1), Action Item 1.4.2 (2) and Action Item 1.4.2 (3) and the following Land Use District Map amendments are in conformance with the Master Plan and the Future Land Use Map:

1. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Mixed Use (MU):
566000.000000, 566240.000000, 477140.000000, 566120.000000,
477150.000000, 477160.000000, 477170.000000, 477210.000000,
565970.000100, 477180.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 1D, 1E and 1F.
2. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Native Area (NA):
476750.000000, 476760.000000, 476770.000000, 476780.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 2D, 2E and 2F; and

WHEREAS, the Monroe County Board of County Commissioners examined the proposed amendments to the Year 2010 Comprehensive Plan, Future Land Use and Land Use District Maps submitted by the Monroe County Planning Department at a public hearing on August 18, 2004 and approved a Transmittal Resolution to transmit the plan and Future Land Use Map amendments to the Florida Department of Community Affairs (DCA); and

WHEREAS, the Florida Department of Community affairs (DCA) responded to the county transmittal on November 5, 2004 in an Objection, Recommendations and Comments report prepared pursuant to Rule 9J-11.010; and

WHEREAS, during a regularly scheduled meeting on February 16, 2005, the Board of County Commissioners reviewed the report from DCA, and amendments recommended by staff to the proposed Comprehensive Plan and the Master Plan; and

WHEREAS, The Monroe County Board of County Commissioners were presented with the following information, which by reference is hereby incorporated as part of the record of said hearing:

1. Staff Report prepared on January 18, 2005; by K. Marlene Conaway, Director, Planning and Environmental Resources; and
2. The Livable CommuniKeys Program Master Plan for Tavernier Creek to Mile Marker 97; and

WHEREAS, the Monroe County Board of County Commissioners held the second of two public hearings on February 16, 2005 on the proposed amendments; and

WHEREAS, the Monroe County Board of County Commissioners makes the following Findings of Fact based on the evidence presented:

1. Objective 101.20 mandates that the county complete a series of master plan documents to address local needs while balancing the needs of all of Monroe County. The Tavernier Creek to Mile Marker 97 Master Plan requires implementation of the recommended Strategies and Action Items. The Master Plan must be adopted as an amendment to and a part of the Monroe County Year 2010 Comprehensive Plan. Policy 101.20.2 will provide a mechanism to recognize individual master plans as they are adopted by the BOCC as a part of the Comprehensive Plan; and
2. Policy 101.20.1 requires the county to develop each master plan in accordance with Twelve (12) specific principles.
3. The Master Plan utilizes the Land Use District Map and Future Land Use Map (FLUM) to regulate land use type, density and intensity on a parcel basis within the planning area.
4. The Master Plan reviewed non-conforming land uses to identify their most appropriate Land Use District Map and Future Land Use Map designations. Action Item 1.4.2 (1) identifies by real estate parcel numbers, properties that are non-conforming now that are appropriately located and should be allowed to continue with all the rights of a conforming land use and re-designates them from Improved Subdivision (IS) to Mixed Use (MU) on the Land Use District Map and Residential Medium (RM) to Mixed Use Commercial (MC) on the Future Land Use Map.
5. The Master Plan reviewed county owned properties to identify their most appropriate Land Use District Map and Future Land Use Map designations. Action Item 1.4.2 (2) identifies by real estate parcel numbers, county owned properties that are environmentally sensitive and in order to limit development and preserve them for the future re-designates them from Improved Subdivision (IS) to Native Area (NA) on the Land Use District Map and from Residential Medium (RM) to Residential Conservation (RC) on the Future Land Use Map.
6. The Master Plan identified undeveloped properties designated as commercial within the FLUM that are located within established, built-out neighborhoods. Action Item 1.4.2 (3) identified by real estate parcel numbers, properties to be removed from commercial consideration by changing their Future Land Use Map designation from Mixed-Use Commercial (MC) to Residential Medium (RM).

WHEREAS, the Monroe County Board of County Commissioners makes the following Conclusions of Law based on the evidence presented:

1. The Livable CommuniKeys Program requires Monroe County to produce a series of Master Plans which addresses local needs while balancing the needs of all of Monroe County; and
2. The Master Plan is adopted as an amendment to the 2010 Comprehensive Plan and is the policy document to direct growth and development in the Tavernier Creek to Mile Marker 97 planning area; and
3. The Master Plan, as adopted, recommends the amendments to the Land Use District Maps; and
4. The proposed amendments are internally consistent with and further the Goals, Objectives, and Policies of the Year 2010 Comprehensive Plan and the Principals of Guiding Development set forth in Chapter 380, Florida Statutes; and

WHEREAS, the Monroe County Board of County Commissioners hereby supports the recommendation of the Monroe County Planning Commission and the staff of the Monroe County Planning Department; and

WHEREAS, it is the desire of the Monroe County Board of County Commissioners that the following amendments to the Monroe County Land Use District Map be approved, adopted and transmitted to the state land planning agency for approval;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support it's decision to **Approve the Land Use District Map amendments**:

Section 1. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Mixed Use (MU): 566000.000000, 566240.000000, 477140.000000, 566120.000000, 477150.000000, 477160.000000, 477170.000000, 477210.000000, 477180.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 1D, 1E and 1F.

Section 2. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Native Area (NA): 476750.000000, 476760.000000, 476770.000000, 476780.000000 and illustrated on the attached maps which are hereby incorporated by reference and attached as Exhibits 2D, 2E and 2F.

Section 3. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. This ordinance shall be transmitted by the Planning Department to the Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____ 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David P. Rice _____
Commissioner Murray Nelson _____

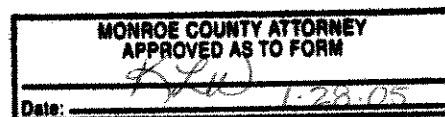
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

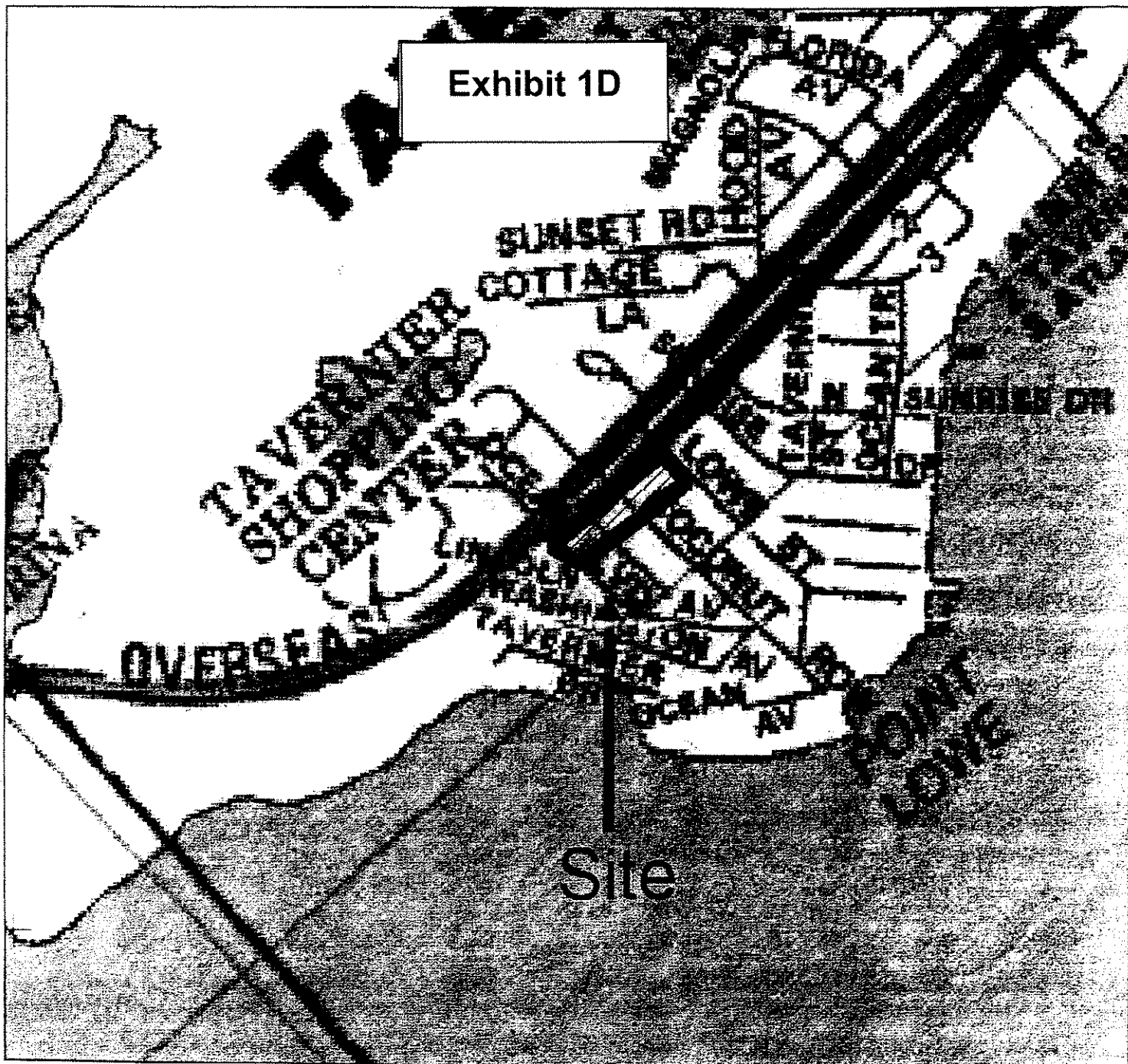
BY _____
Mayor Dixie Spehar

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK





Proposed Land Use District Map Amendment: Street Map

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Land Use District from IS to MU

Property Description: RE 566000, 566240, 477140, 566120, 477150,
477160, 477170, 477210, , 477180

Map Amendment: M24064

Land Use District Map #: 152 and 155



Proposed Land Use Map Amendment: Aerial

Key: Key Largo

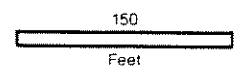
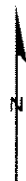
Mile Marker: 91.5

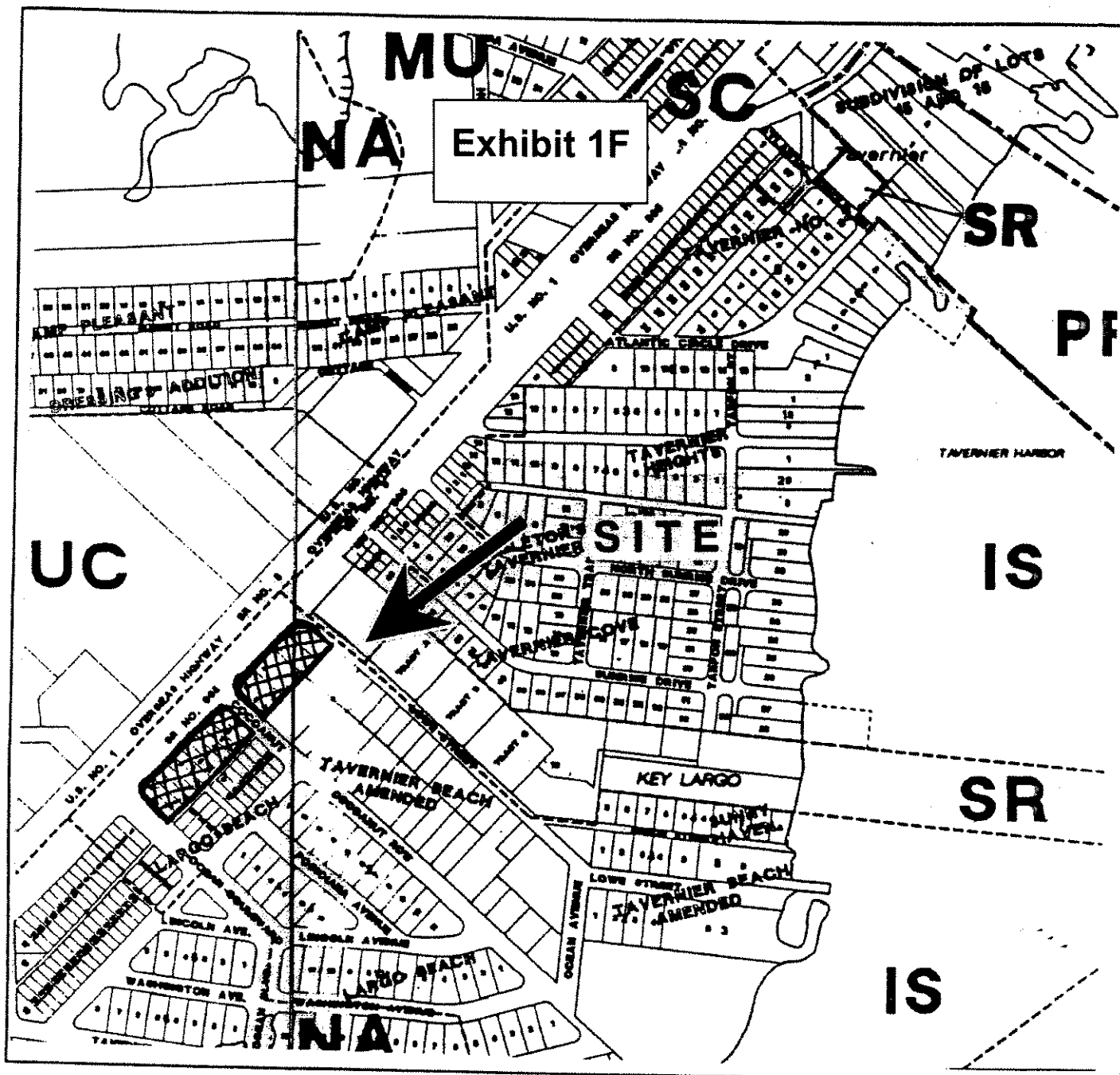
Proposal: Change Land Use District from IS to MU

Property Description: RE 566000, 566240, 477140, 566120, 477150,
477160, 477170, 477210, , 477180

Map Amendment: M24064

Land Use District Map #: 152 and 155





The Monroe County Land Use District Map is proposed to be amended as indicated above and briefly described as:

Key: Key Largo

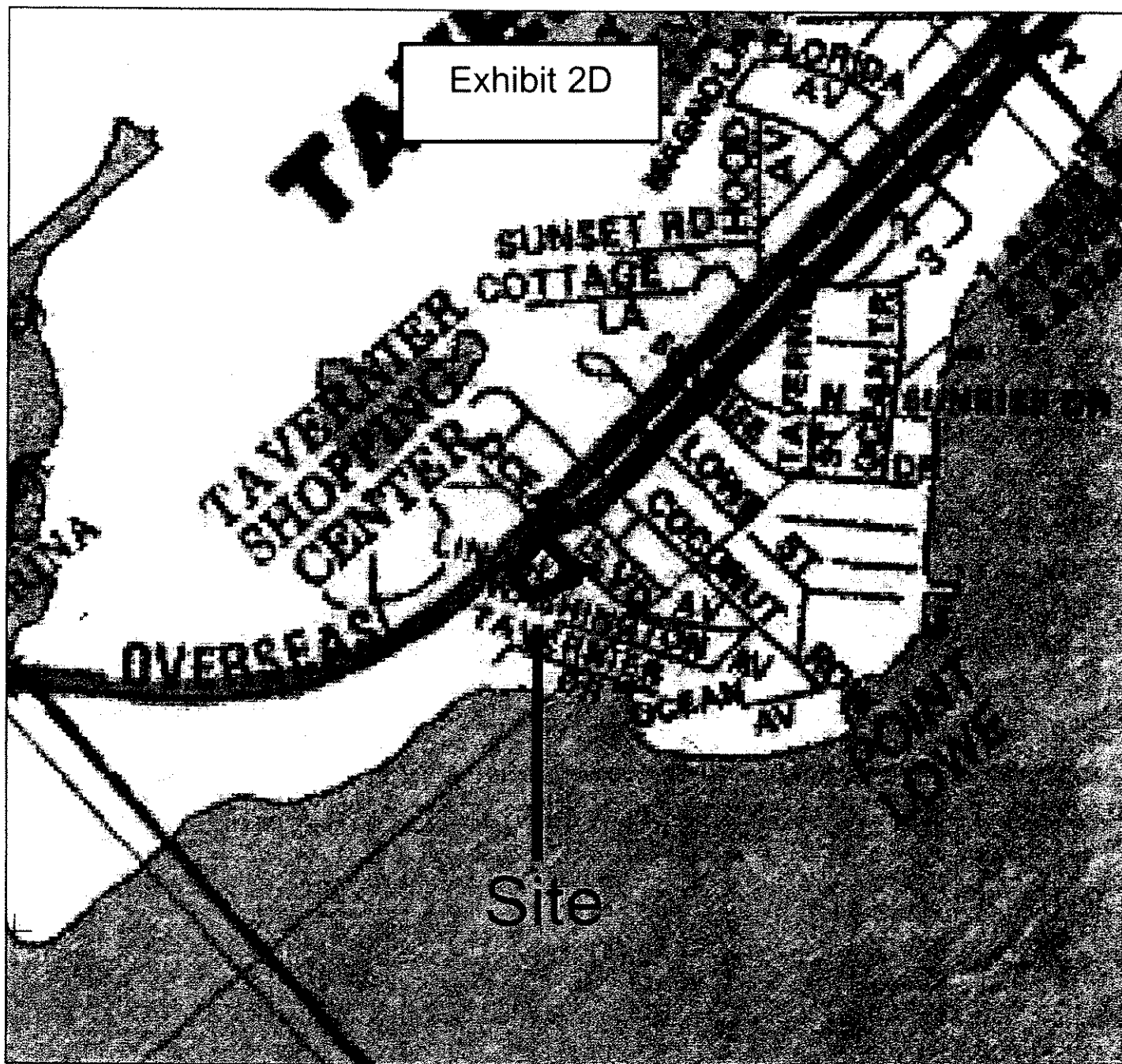
Mile Marker: 91.5

Proposal: Change Land Use District from IS to MU

Property Description: RE ~~566000~~, 566240, 477140, 566120, 477150, 477160, 477170, 477210, , 477180

Map Amendment: M24064

Land Use District Map #: 152 and 155



Proposed Land Use District Map Amendment: Street Map

Key: Key Largo

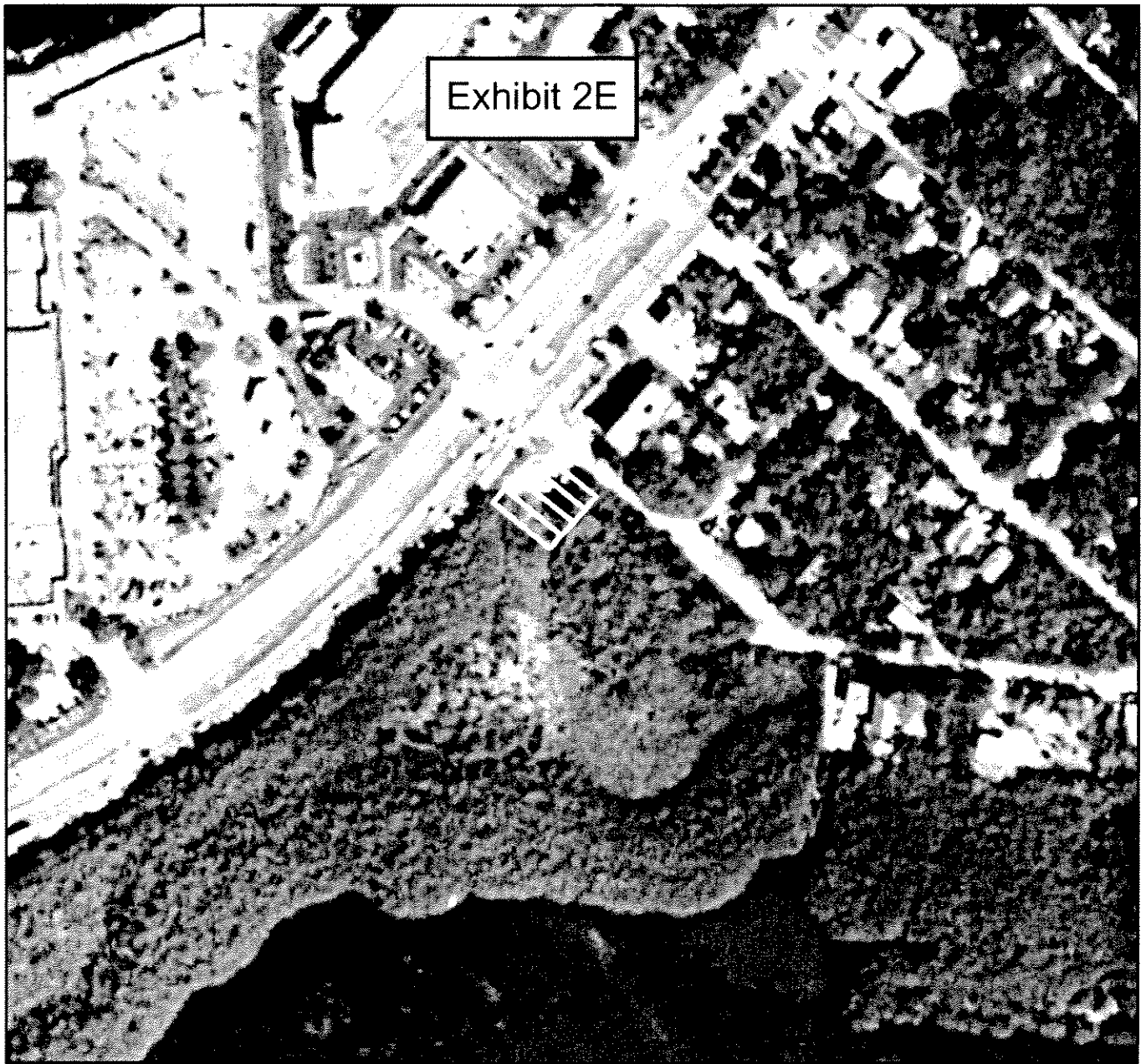
Mile Marker: 91.5

Proposal: Change Land Use District from IS to NA

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155



Proposed Land Use District Map Amendment: Aerial

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Land Use District from IS to NA

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155

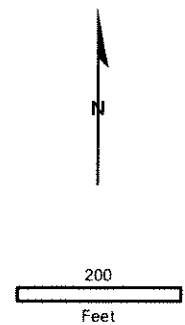
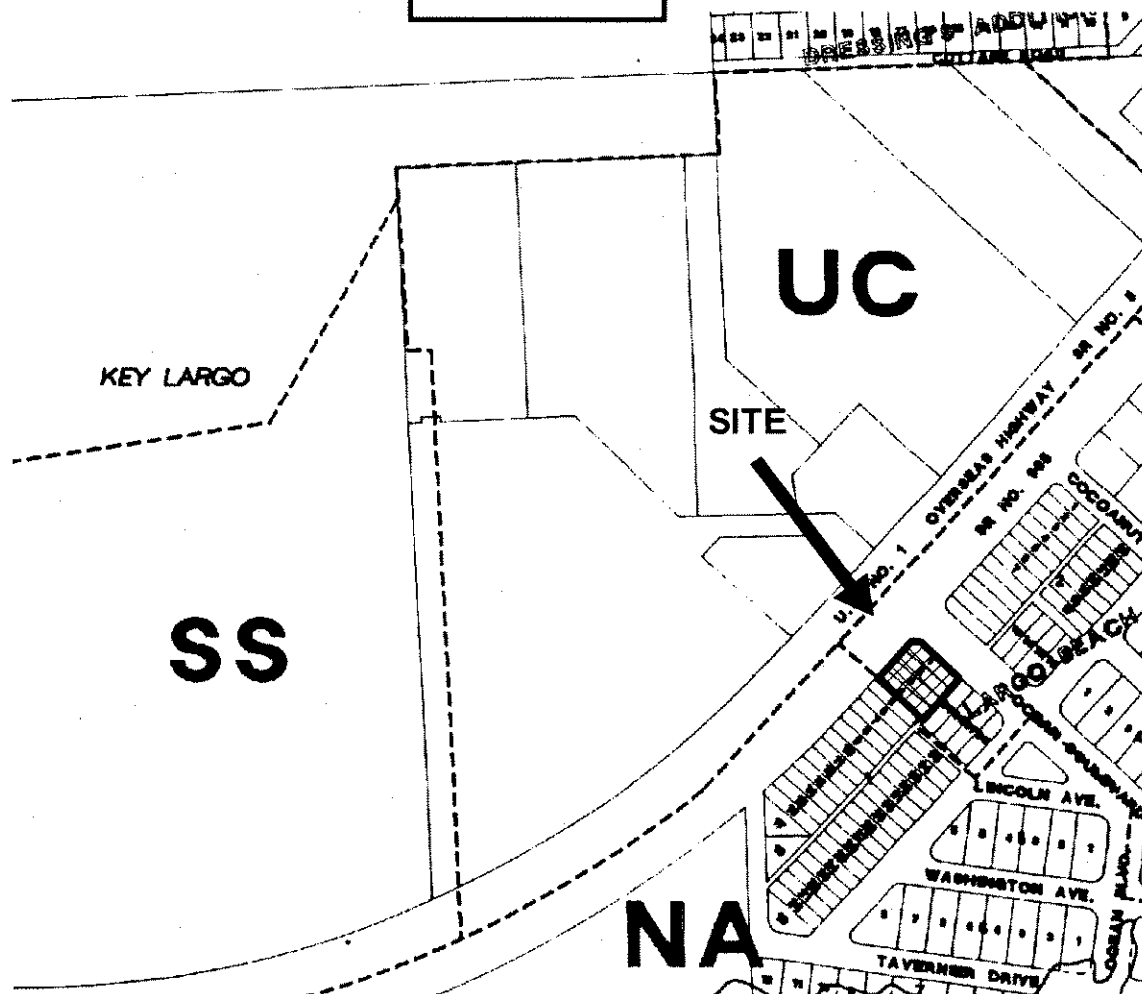


Exhibit 2F



The Monroe County Land Use District Map is proposed to be amended as indicated above and briefly described as:

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Land Use District from IS to NA

Property Description: RE 476750, 476760, 476770, 476780

Map Amendment: M24064

Land Use District Map #: 155

BOCC STAFF REPORT

GROWTH MANAGEMENT DIVISION

2798 Overseas Highway
Suite 400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

MEMORANDUM

To: The Board of County Commissioners

From: K. Marlene Conaway, Director, Planning and Environmental Resources

Date: January 25, 2005

Subject: Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97

Summary

The Board of County Commissioners (BOCC) reviewed and approved Transmission to the Department of Community Affairs (DCA) of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 at a Public Hearing on August 18, 2004.

At that time, the BOCC expressed concern with three Action Items (four issues) in the Tavernier Creek to Mile Marker 97 Master Plan. The Board made one change to Action Item 3.1.2. The Action Items were sent to the Planning Commission for their consideration and recommendation.

The Planning Commission during a regularly scheduled meeting on October 19, 2004, heard comment from the public and staff and in their recommendation, confirmed the BOCC decision on Action Item 1.4.2 but made alternative recommendations for Action Item 3.1.2 and Action Item 5.2.1.

The BOCC on November 17, 2004, reviewed the Planning Commission and staff recommendations and heard comments from the public and staff and directed staff to further amend the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 and bring a revised version to the BOCC for approval when the transmittal was approved by the DCA.

The DCA's response did not identify any objections, recommendations or comments to the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97.

Amendments as Directed by the BOCC November 17, 2004

(Additions are underlined and deletions struck out)

A. Future Land Use Map and Land Use District Amendments

1. Amend Action Item 1.4.2 identifies a number of nonconforming uses and brings the sites into conformity with the current use and future planning for the sites:

Action Item 1.4.2: Adopt the following parcel-specific revisions to the Future Land Use Map (FLUM) category and Land Use District Map:

1) Change the designation of parcels identified with real estate parcel numbers: 566000.000000, 566240.000000, 477140.000000, 566120.000000, 477150.000000, 477160.000000, 477170.000000, 477210.000000, ~~565970.000100~~ and 477180.000000 planning area from Improved Subdivision (IS) to Mixed Use (MU) on the Land Use District Map and from Residential Medium (RM) to Mixed Use Commercial (MC) on the Future Land Use Map (FLUM).

2) Change the designation of parcels identified with real estate parcel numbers 476750.000000, 476760.000000, 476770.000000 and 476780.000000 which are owned by Monroe County from Improved Subdivision (IS) to Native Area (NA) and on the Future Land Use Map from Residential Medium (RM) to Residential Conservation (RC)."

3) Change the Future Land Use Map designation of parcels identified with the following real estate numbers from Residential Medium (RM) and Residential High (RH) to Mixed-Use Commercial (MC): 00482310.000000 and 00482320.000000.

B. Text Amendments

1. Revise existing Action Item 3.1.2 and create new Action Items 3.1.5 to require certain development and redevelopment in the US Highway 1 Community Center be consistent with community design standards and implement an Interim Development Ordinance on that development:

Action Item 3.1.2: ~~Review all development plans for new commercial and transient structures greater than 2,500 square to assure community character of the area is considered before approval.~~ Require that any development or redevelopment approved within the designated U.S. Highway 1 Community Center, meeting the following criteria, be consistent with design standards established pursuant to Action Items 3.2.3 and 3.3.3:

1. Any new or expanded non-residential structures of greater than 2,500 square feet in floor area;
2. Any new or expanded outdoor retail sales;
3. Any new residential structure containing more than three units or redeveloped residential structure containing more than three units that involves a change in floor area, building height, or configuration of building footprint;
4. Any new transient residential structure or redeveloped existing transient residential structure that involves a change in floor area, building height, or configuration of building footprint.

Action Item 3.1.5: Enact a temporary moratorium on all development meeting the threshold for design review and approval in Action Item 3.1.2 until adoption of design standards for the U.S. Highway I Community Center are adopted or six months after the effective date of this Master Plan, whichever occurs first.

2. Create new Action Item 3.1.6 and Action Item 3.1.7 to require certain development, remodeling or redevelopment in the Tavernier Historic Overlay District be consistent with historic architecture preservation design standards and implement an Interim Development Ordinance on that development:

Action Item 3.1.6: Require that any development, remodeling or redevelopment approved within the designated Tavernier Historic Overlay District (Figure 3.1), to include the areas designated as the Existing Historic District and Proposed Historic District, meeting the following criteria, be consistent with design standards and in compliance with regulatory controls established pursuant to Strategy 4.1:

1. Any structure that is designated by Monroe County as a historic resource;
2. Any structure identified by "The final Report Historic Architectural Survey of Unincorporated Areas of Monroe County Florida (2003)" prepared by GAI Consultants Inc.

Action Item 3.1.7 (new): Enact a temporary moratorium on all development meeting the threshold for design review and approval in Action Item 3.1.6 until adoption of design standards and regulatory controls for the Tavernier Historic Overlay District are adopted or six months after the effective date of this Master Plan, whichever occurs first.

3. Revise Strategy 3.3 and Action Item 3.3.5 to clarify that the proposed zoning overlay is for the Community Center and design guidelines are required:

Strategy 3.3

~~Adopt Tavernier Main Street District Overlay to include the a zoning overlay for the designated Community Center defined in Action Item 3.2.1 and specific Land Development Regulations for that overlay.~~

Action Item 3.3.5: Require existing commercial parcels proposed for Employee Housing density bonuses be developed “village” type consistent with the design standards adopted pursuant to Action Items 3.2.3 and 3.3.3. ~~with single family houses, duplexes or townhouse units with a maximum of four units to a structure.~~

4. Delete Action Item 5.2.1. The design requirements in Action Item 3.2.1 will control the development of all Multi-unit developments:

~~Action Item 5.2.1: Maintain the community character of the planning area by requiring that all affordable and employee housing developments of four or more units be developed in a “village” type design with single family, duplexes or town houses with a maximum of four units per structure. The units will conform to the design guidelines for development in the U.S. 1 corridor or the Tavernier Historic district as applicable.~~

Additional Changes Recommended By Staff of the Planning Department

(Additions are underlined and deletions struck out)

Language in the FLUM amendments was modified:

- To clarify the location of the map amendments in Action Item 1.4.2.

Subsequent to the meeting of the BOCC in November 2004, staff reviewed the proposed amendments, met with a community group and discussed the proposed changes with several members of the community. After careful consideration staff recommends the following revisions:

Action Item 3.1.2 is modified:

- To require specific development and redevelopment, in an expanded area to include the US Highway 1 corridor between Tavernier Creek and Mile Marker 97 including the Community Center, to comply with applicable design standards.
- To apply the design standards to all new or expanded non-residential structures regardless of floor area.
- To apply the design standards to residential structures of more than two units.

Action Item 3.1.5 is modified:

- To delete duplication of language.

Action Item 3.1.6 is modified:

- Action Item 3.1.6 is renumbered to Action Item 4.3.5.
- The language is modified to include any new development, remodeling or redevelopment in the requirement to meet design standards.

Action Item 3.1.7 is modified:

- Action Item 3.1.7 is renumbered to Action Item 4.3.6.
- Language was added to specify that new development, exterior remodeling or redevelopment within the Tavernier Historic Overlay District was included in the Interim Development Ordinance if it meets the criteria for inclusion under Action Item 4.3.6.
- The specific language to include only structures designated by Monroe County as a historic resource or those identified by the GAI report was dropped.

A. Future Land Use Map and Land Use District Amendments

1. Amend Action Item 1.4.2 to add missing language in amended 1 and 2 below and divide Action Item 1.4.2, 3 into two parts bringing the language of amendments 3 and 4 below into conformance with the language of the other amendments:

Action Item 1.4.2: Adopt the following parcel-specific revisions to the Future Land Use Map (FLUM) category and Land Use District Map:

1. Change the designation of parcels identified with real estate parcel numbers: 566000, 566240.000000, 477140.000000, 566120.000000, 477150.000000, 477160.000000, 477170.000000, 477210.000000, ~~565970.000100~~ and 477180.000000 within the Tavernier Creek to Mile Marker 97 planning area from Improved Subdivision (IS) to Mixed Use (MU) on the Land Use District Map and from Residential Medium (RM) to Mixed Use Commercial (MC) on the Future Land Use Map (FLUM).
2. Change the designation of parcels identified with real estate parcel numbers: 476750.000000, 476760.000000, 476770.000000 and 476780.000000 which are owned by Monroe County and within the Tavernier Creek to Mile Marker 97 from Improved Subdivision (IS) to Native Area (NA) and on the Future Land Use Map from Residential Medium (RM) to Residential Conservation (RC)."
3. ~~Change the Future Land Use Map designation of parcels identified with the following real estate numbers from Residential Medium (RM) and Residential High (RH) to Mixed Use Commercial (MC):~~

00482310.000000 and 00482320.000000. Change the FLUM designation of the parcel identified with the following real estate number: 00482310.000000 from Residential Medium (RM) to Mixed-Use Commercial (MC).

4. Change the FLUM designation of the parcel identified with the following real estate number: 00482320.000000 from Residential Medium (RM) and Residential High (RH) to Mixed-Use Commercial (MC).

B. Text Amendments

1. Amend Action Item 3.1.2 to add missing language that clarifies the area affected, remove the exception for developments or redevelopment of less than 2,500 square feet and apply regulations to residential structures with more than two units:

Action Item 3.1.2: Review all development plans for new commercial and transient structures greater than 2,500 square to assure community character of the area is considered before approval. Require that any new development or redevelopment approved within the designated U.S. Highway 1 corridor between Tavernier Creek and Mile Marker 97 including the Community Center, which meet the following criteria, be consistent with design standards established pursuant to Action Items 3.2.3 and 3.3.3:

1. Any new or expanded non-residential structures of greater than 2,500 square feet in floor area;
2. Any new or expanded outdoor retail sales;
3. Any new residential structure containing more than two three units or redeveloped residential structure containing more than two three units that involves a change in floor area, building height, or configuration of building footprint;
4. Any new transient residential structure or redeveloped existing transient residential structure that involves a change in floor area, building height, or configuration of building footprint.

2. Amend Action item 3.1.5 to delete duplicate language.

Action Item 3.1.5: Enact a temporary moratorium on all development meeting the threshold for design review and approval in Action Item 3.1.2 until adoption of design standards for the U.S. Highway 1 corridor between Tavernier Creek and Mile Marker 97 including the Community Center are

adopted or six months after the effective date of this Master Plan, whichever occurs first.

3. Action Item 3.1.6 was renumbered 4.3.5 to place it Goal Four of the Master Plan covering the Historic District. Action Item 4.3.5 was amended to apply design standards to all existing and proposed structures in the Historic District not only those identified as historic structures:

Action Item ~~3.1.6~~ 4.3.5(new): Require that any new development, remodeling or redevelopment approved within the designated Tavernier Historic Overlay District (Figure 3.1), ~~meeting the following criteria,~~ be consistent with design standards and in compliance with regulatory controls established pursuant to Strategy 4.1.

~~1. Any structure that is designated by Monroe County as a historic resource;~~

~~Any structure identified by “The final Report Historic Architectural Survey of Unincorporated Areas of Monroe County Florida (2003)” prepared by GAI Consultants Inc.~~

4. Action Item 3.1.7 was renumbered 4.3.6 to place it in Goal Four of the Master Plan dealing with the Historic District. Action Item 4.3.6 was amended to correct language deficiencies:

Action Item ~~3.1.7~~ 4.3.6 (new): Enact a temporary moratorium on all new development, exterior remodeling or redevelopment within the Tavernier Historic Overlay District (Figure 3.1) ~~meeting the threshold for design review and approval in Action Item 3.1.6 4.3.5~~ until adoption of design standards and regulatory controls for the Tavernier Historic Overlay District are adopted or six months after the effective date of this Master Plan, whichever occurs first.

C. Editing Change

In response to Action Item 4.1.1 and Action Item 4.1.2, the map “Historically Significant Sites”, “Figure 1.4 Historic overlay district with historically significant sites”, is amended and will include the “Existing Historic District” and “Proposed Historic District” as shown on Figure 3.1, within the “Historic Overlay District”. In addition, historically significant sites within the expanded “Historic Overlay District” will be added to the map.

In response to Action Item 4.1.1 and Action Item 4.1.2, the Tavernier Historic District “Figure 3.1 ~~Historic overlay district and proposed expanded district area~~” is amended to read “Figure 3.1 Historic Overlay District” and will include the “Existing Historic District” and “Proposed Historic District” within the “Historic Overlay District”.

New maps Figure 2.2 and Figure 2.3 were created to add clarity to the boundaries of the “U.S. 1 Community Center” and the “U.S. 1 Corridor Area Between MM 91 and MM 93.5 respectively.(verify maps and clarify)

Action Item 2.1.1 is amended to reflect the clearing allowance on Tier I designated lands

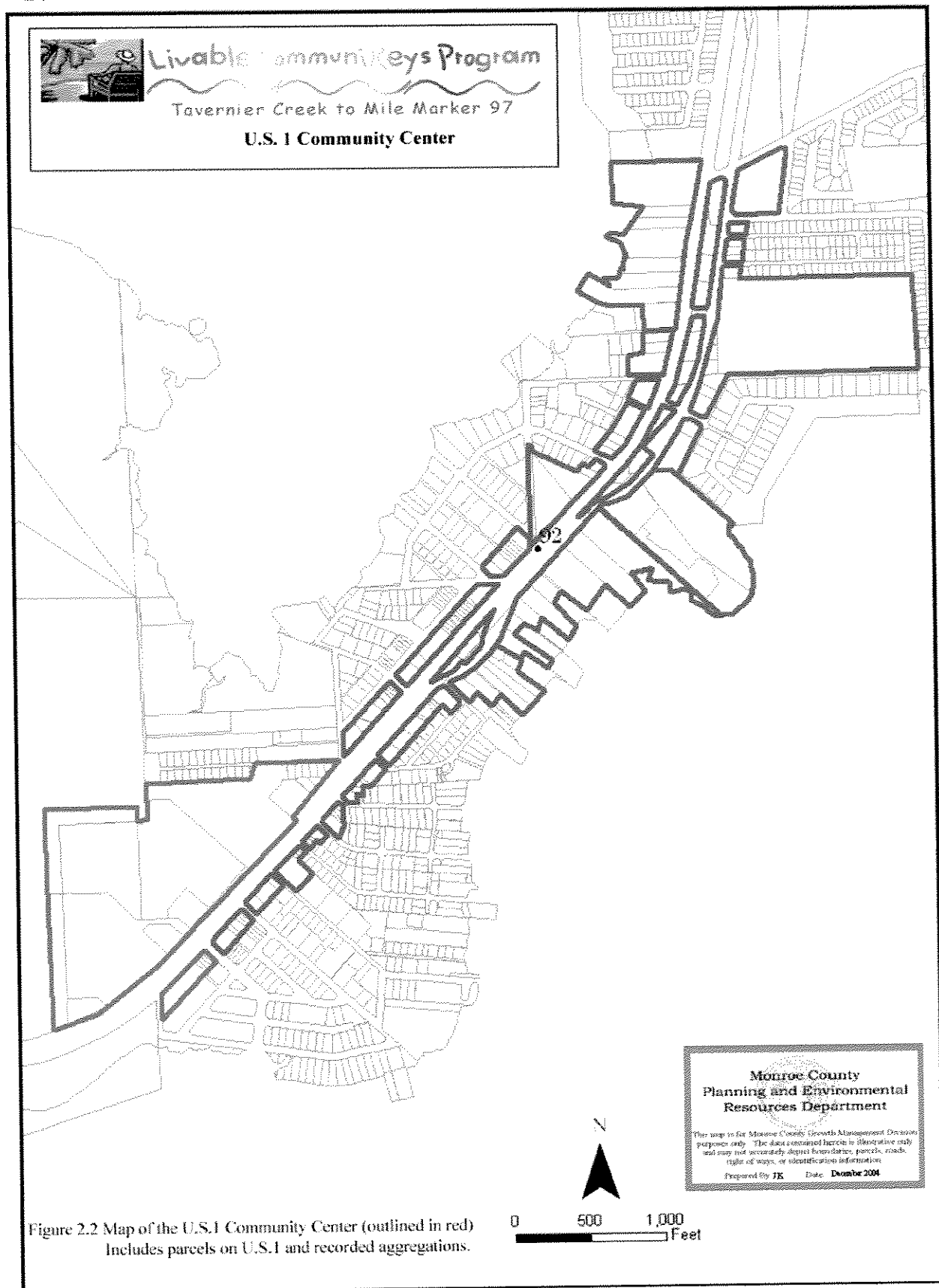
Action Item 2.1.1 Amend existing habitat analysis policies and regulations to designate all lots in Tier I in this planning area as automatic high quality and limit clearing to a maximum of ~~twenty~~ ten percent.

Action Item 5.2.3 is renumbered to Action Item 5.2.1.

Action Item ~~5.2.3~~ 5.2.1: Investigate opportunities to acquire commercial properties of sufficient size for the construction of employee housing units with the County owning the land in perpetuity.

IV. Staff Recommendation

Staff recommends adoption of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 with the staff recommended amendments.



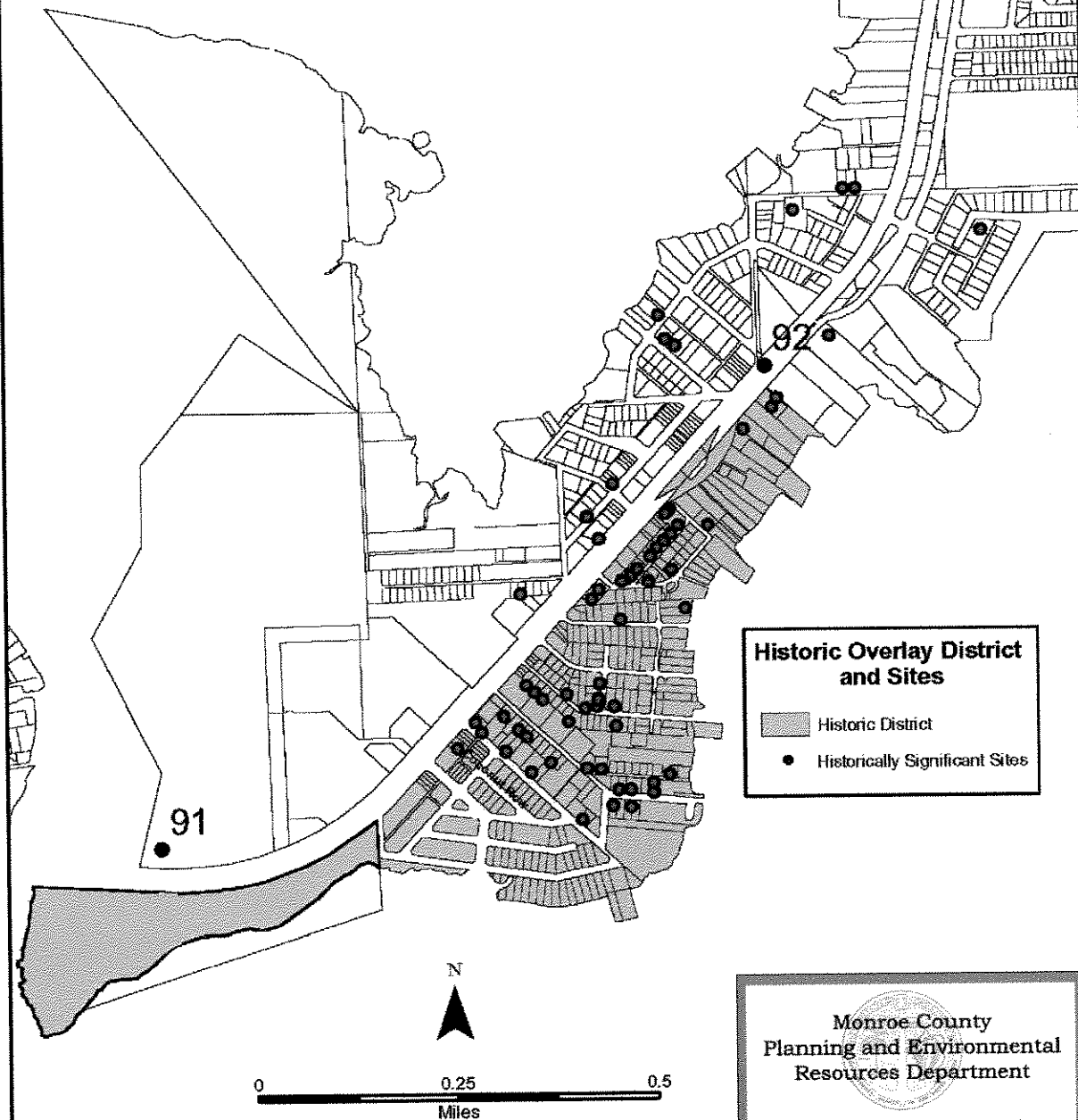


Livable Communities Program

Tavernier Creek to Mile Marker 97

Historic Overlay District and Identified Historically Significant Sites

Exhibit 1

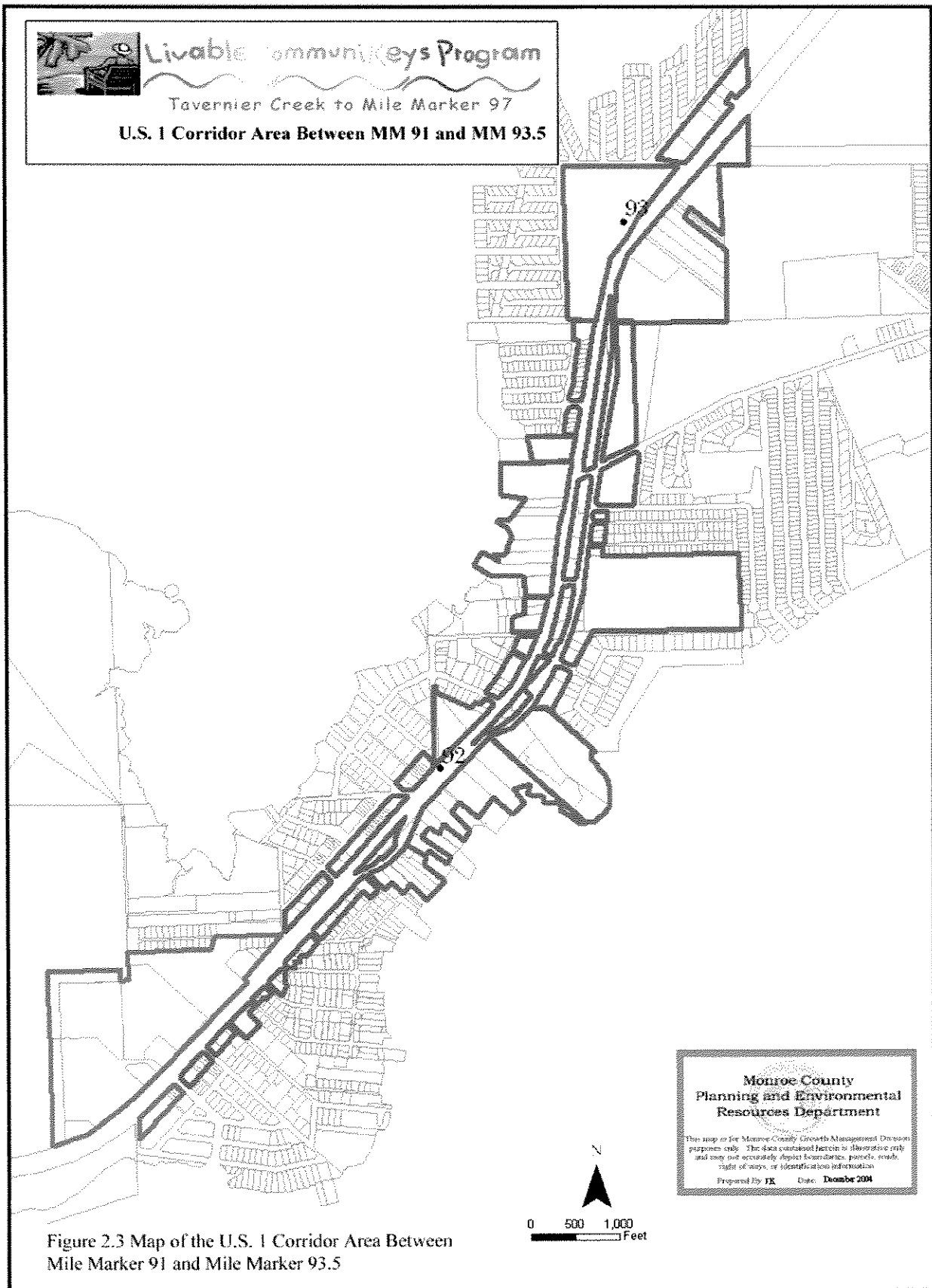


Monroe County
Planning and Environmental
Resources Department

This map is for Monroe County Growth Management Division purposes only. The data contained herein is illustrative only and may not accurately depict boundaries, parcels, roads, right of ways, or identification information.

Prepared By: KR/KK Date: January 2005

Figure 1.4: Historic Overlay District with identified historically significant sites.



BOCC RESOLUTION #427-2004

**AMENDING THE DRAFT LIVABLE
COMMUNIKEYS MASTER PLAN
FOR TAVERNIER CREEK
TO MILE MARKER 97**

RESOLUTION NO. 427 -2004

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO **AMEND** THE DRAFT LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 BEFORE BRINGING THE PLAN TO THE BOARD FOR ADOPTION.

WHEREAS, the Monroe County Board of County Commissioners (BOCC) held a public hearing on August 18, 2004, for the purpose of considering the transmittal of the Tavernier Creek to MM 97 Master Plan to the Florida Department of Community Affairs (DCA), for review and comment; and

WHEREAS, the BOCC approved the Tavernier Creek to MM 97 Master Plan, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map and Land Use Designation Map for transmittal to the DCA; and

WHEREAS, during discussion of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 the Board of County Commissioners heard comments from the public present and identified three (3) action items containing four (4) separate issues in the Livable CommuniKeys Master Plan that required further review and consideration; and

WHEREAS, the Board of County Commissioners directed staff to return Action Item 1.4.2, Action Item 3.1.2 and Action Item 5.2.1 to the Monroe County Planning Commission for further consideration and recommendation before the adoption hearing for the Plan; and

WHEREAS, a public workshop, with public comment, was held during the September 22, 2004, Planning Commission meeting to discuss the Action Items and the Future Land Use Map (FLUM) and Land Use District Map amendments contained in the items; and

WHEREAS, during a regularly scheduled meeting on October 7, 2004, the Development Review Committee reviewed the Action Items and staff alternatives, heard comments from staff and the public, and recommended to the Monroe County Planning Commission approval of the staff recommendations; and

WHEREAS, during a regularly scheduled meeting on October 19, 2004, the Planning Commission, at a Public Hearing, discussed the Action Items identified by the Board of County Commissioners, reviewed the proposed amendments to the Livable CommuniKeys Master Plan, and heard comments from staff and the public; and

WHEREAS, the Planning Commission recommended to the Monroe County Board of County Commissioners that Action Item 1.4.2 be amended to delete parcel

number 565970.0001 from the FLUM and Land Use District Map amendments for the businesses located ocean-side, across US #1 from the Tavernier Town Shopping Center and that the Coconut Palm FLUM amendment be incorporated into Action Item 1.4.2; and

WHEREAS, the Planning Department supports the recommendation of the Planning Commission that Action Item 1.4.2 be amended to delete parcel number 565970.0001 from the FLUM and Land Use District Map amendments and that the Coconut Palm FLUM amendment be incorporated into Action Item 1.4.2; and

WHEREAS, the Planning Commission recommended that the Board of County Commissioner's revision to Action Item 3.1.2 be further refined to limit the square footage of *new* structures to a maximum of 2,500 square feet, excluding redevelopment and the Urban Commercial Land Use District from the limits; and

WHEREAS, the Planning Commission recommended to the Monroe County Board of County Commissioners no change to Action Item 5.2.1 which limits affordable and employee housing developments to structures containing a maximum of 4 units and that the Action Item remain as presented in the Draft Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97; and

WHEREAS, the Planning Department in reviewing Action Items 3.1.2 and 5.2.1 determined that the primary concern raised by members of the residential community is that development and redevelopment be well designed and constructed to enhance the community and the business community's concern is that the requirements for design and construction be economically cost effective; and

WHEREAS, the Planning Department finds that the restrictions on the number of units within structures for affordable or employee housing is discriminatory and reduces opportunities for such housing; and

WHEREAS, the Planning Department in analyzing options to achieve the desired outcome has determined that many existing structures in the US #1 corridor currently exceed the 2,500 square foot floor area limitation and that the design of the site and structure is the primary determinate of the aesthetics and of the character of the corridor; and

WHEREAS, the Monroe County Board of County Commissioners has considered the Planning Commission recommendation, staff recommendations and public comments;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

Section 1: Amend Action Item 1.4.2 to read as follows in order to eliminate the number of nonconforming structures that exist on these properties and bring them into conformity with the current use and surrounding community:

Action Item 1.4.2

"Action Item 1.4.2: Adopt the following parcel-specific revisions to the Future Land Use Map (FLUM) category and Land Use District Map:

1) Change the designation of parcels identified with real estate parcel numbers: 566000, 566240, 477140, 566120, 477150, 477160, 477170, 477210, and 477180 planning area from Improved Subdivision (IS) to Mixed Use (MU) on the Land Use District Map and from Residential Medium (RM) to Mixed Use Commercial (MC) on the Future Land Use Map (FLUM).

2) Change the designation of parcels identified with real estate parcel numbers 476750, 476760, 476770 and 476780 which are owned by Monroe County from Improved Subdivision (IS) to Native Area (NA) and on the Future Land Use Map from Residential Medium (RM) to Residential Conservation (RC)."

3) Change the Future Land Use Map designation of parcels identified with the following real estate numbers from Residential Medium (RM) and Residential High (RH) to Mixed-Use Commercial (MC): 00482310.000000 and 00482320.000000.

Section 2: Revise existing Action Item 3.1.2 and create new Action Items 3.1.5, 3.1.6 and 3.1.7 as follows to require certain development and redevelopment in the US Highway 1 Community Center be consistent with community design standards:

1. *Action Item 3.1.2:* Require that any development or redevelopment approved within the designated U.S. Highway 1 Community Center, meeting the following criteria, be consistent with design standards established pursuant to Action Items 3.2.3 and 3.3.3:

1. Any new or expanded non-residential structures of greater than 2,500 square feet in floor area;
2. Any new or expanded outdoor retail sales;
3. Any new residential structure containing more than three units or redeveloped residential structure containing more than three units that involves a change in floor area, building height, or configuration of building footprint;
4. Any new transient residential structure or redeveloped existing transient residential structure that involves a change in floor area, building height, or configuration of building footprint.

2. *Action Item 3.1.5 (new)*: Enact a temporary moratorium on all development meeting the threshold for design review and approval in Action Item 3.1.2 until adoption of design standards for the U.S. Highway I Community Center are adopted or six months after the effective date of this Master Plan, whichever occurs first.
3. *Action Item 3.1.6 (new)*. Require that any development, remodeling or redevelopment approved within the designated Tavernier Historic Overlay District (Figure 3.1), to include the areas designated as the Existing Historic District and Proposed Historic District, meeting the following criteria, be consistent with design standards and in compliance with regulatory controls established pursuant to Strategy 4.1:
 1. Any structure that is designated by Monroe County as a historic resource;
 2. Any structure identified by "The final Report Historic Architectural Survey of Unincorporated Areas of Monroe County Florida (2003)" prepared by GAI Consultants Inc.
4. *Action Item 3.1.7 (new)*: Enact a temporary moratorium on all development meeting the threshold for design review and approval in Action Item 3.1.6 until adoption of design standards and regulatory controls for the Tavernier Historic Overlay District are adopted or six months after the effective date of this Master Plan, whichever occurs first.

Section 3: Revise Strategy 3.3 and Action Item 3.3.5 as follows to clarify that the proposed zoning overlay is for the Community Center and design guidelines are required:

Strategy 3.3

Adopt a zoning overlay for the designated Community Center defined in Action Item 3.2.1 and specific Land Development Regulations for that overlay.

Action Item 3.3.5: Require existing commercial parcels proposed for Employee Housing density bonuses be developed consistent with the design standards adopted pursuant to Action Items 3.2.3 and 3.3.3.

Section 4: Delete Action Item 5.2.1. The design requirements in Action Item 3.2.1 will control the development of all multi-unit developments:

Action Item 5.2.1: Investigate opportunities to acquire commercial properties of sufficient size for the construction of employee housing units with the County owning the land in perpetuity.

Section 5: The Department of Planning and Environmental Resources is directed to make the changes as detailed in this resolution to the Livable CommuniKeys Master Plan for Tavernier Creek to MM 97 before bringing the Plan to the Board for adoption.

PASSED AND ADOPTED BY THE Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 17th day of November, 2004.

Mayor Spehar
Mayor Pro Tem McCoy
Commissioner Nelson
Commissioner Neugent
Commissioner Rice

yes
yes
yes
no
yes

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

By *Janele Stanwick*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By *L. Spehar*
Mayor/Chairperson

jresGMD

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

Suzanne A. Hutton
SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 12/23/04

**FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND
COMMENTS (ORC) REPORT**

PREPARED PURSUENT TO RULE 9J-11.010



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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Governor
Secretary

THADDEUS L. COHEN, AIA

November 5, 2004

The Honorable Murray Nelson
Mayor, Monroe County
Board of County Commissioners
530 Whitehead Street
Key West, Florida 33040

Dear Mayor Nelson:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for Monroe County (DCA No. 04-2), which was received on September 24, 2004. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review, and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C.) and Chapter 163, Part II, Florida Statutes (F.S.). The Department does not identify any Objections and this letter serves as the Objections, Recommendations and Comments (ORC) report.

For your assistance, we have attached procedures for final adoption and transmittal of the comprehensive plan amendment. If you have any questions, please call Roger Wilburn, Principal Planner, or Rebecca Jetton, ACSC Administrator, at (850) 922-1766.

Sincerely yours,

Charles Gauthier, AICP
Chief, Office of Comprehensive Planning

CG/rjs

Enclosures: Review Agency Comments
Transmittal Procedures

cc: K. Marlene Conaway, Director, Planning & Environmental Resources
Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781

Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227

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Tallahassee, FL 32399-2100

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Monroe County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F. S., and Rule 9J-11.011, F.A.C. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the South Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well.** For efficiency, we encourage that the information sheet be provided in electronic format.



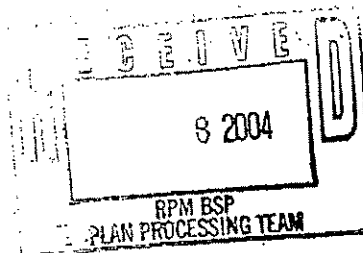
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

GOV 08-20

October 15, 2004

11 JP
10/18/04



Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: Amendment Comments
Monroe County, DCA #04-2**

South Florida Water Management District staff has reviewed the above subject document and forwards no adverse comments. If you have any questions or require additional information, please contact Cecelia Weaver at (305) 853-3219 or me at (561) 682-6779.

Sincerely,

P.K. Sharma, AICP
Lead Planner
Water Supply Planning & Development Division

PKS/nk

Cc: K. Marlene Conoway, Monroe County
Robert Daniels, SFRPC
Rebecca Jetton, DCA, Keys Office

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
Pamela Brooks-Thomas, *Vice-Chair*
Irela M. Bagué

Michael Collins
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Lennart E. Lindahl, P.E.

Kevin McCarty
Harkley R. Thornton
Trudi K. Williams, P.E.

EXECUTIVE OFFICE

Henry Dean, *Executive Director*



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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Secretary

MEMORANDUM

TO: Lindy McDowell, DEP
Susan Harp, DOS
Gary Donn, FDOT 6
Robert Daniels South Florida RPC
P.K. Sharma, South Florida WMD
Linda Harless, AG
Brian Barnett, FISH

DATE: November 9, 2004

SUBJECT: Notification

RE: Monroe County DCA # 04-2

Pursuant to the notification requirements of Rule 9J-11.009(5) FAC, the Department *will not review* the above referenced proposed comprehensive plan amendment(s).

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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Secretary

MEMORANDUM

TO: Charles Gauthier, Chief, Comprehensive Planning

THROUGH: Wilburn Roger, Acting Regional Planning Administrator *WR*

FROM: Rebecca Jetton, ACSC Administrator *RJ*

SUBJECT: Monroe County Determination to Review Amendment 04-02

DATE: November 3, 2004

30-day Date: October 31, 2004

MAIL-OUT DATE: November 30, 2004

Executive Summary

The Monroe County Comprehensive Plan, at Goal 105, reflects the county's intent to develop a Livable Communikeys Master Plan for each island within the Florida Keys. This amendment incorporates the Tavernier Livable Communikeys Plan into the comprehensive plan. The Tavernier area contains a blend of historic conch buildings, a commercial center, and large expanses of hammock and wetlands. The community vision includes maintaining the tree canopy, adopting a tiered system to recognize native terrestrial areas, developed areas and transition sprawl reduction areas. The community opposes intensive commercial development and wants to maintain and focus on a historic overlay district. The community prefers village style affordable housing, needs new water access points and additional parks. The community indicates a need to better identify addresses of commercial buildings, and move forward with wastewater plant construction.

The County is proposing to revise the Future Land Use Map designation for ten parcels from Residential Medium to Mixed Use Commercial to recognize existing developed businesses along US 1 that were made non conforming on the FLUM when the initial Monroe County Comprehensive Plan was adopted. Field staff has conducted on-site visits to ensure that these sites already contain developed commercial uses.

Four parcels designated Residential Medium on the Future Land Use Map is being proposed to be designated Residential Conservation. These parcels contain hammock and it is appropriate to lower the density of these parcels from one unit per lot to one unit per four acres

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(850) 488-7966

Eleven parcels currently designated Mixed Commercial are being proposed for a Future land Use Map change to Residential Medium. The proposed change will maintain the development pattern of an established neighborhood with no commercial uses.

The recognition of the existing commercial uses will enable repairs and expansions to structures. The density will intensify because Mixed Use Commercial allows hotels and Residential Medium does not allow hotels, however the Monroe County plan has a prohibition on new transient uses. The floor area ratio will also increase from .20 to .45. Existing transient units could be purchased and transferred to the existing commercial sites if the amendment is approved. The sites are not environmentally sensitive and the infrastructure is operating at the adopted level of service standards. Development in both land use categories must meet a minimum open space ratio of twenty percent of the parcel.

Monroe County submitted the Evaluation and Appraisal Report timely and it is currently under review by staff.

The Department has not received a request from an affected party for review of the amendment and staff recommends the Department not review the amendment.

Recommendation

Based on the above stated issues, staff recommends that the Department not review the amendment package.

BUREAU CHIEF'S DETERMINATION TO REVIEW

Monroe County Proposed Amendment 04-02

REVIEW _____

NOT REVIEW _____

DATE _____

[Signature]
11/14/04

PLANNING COMMISSION RESOLUTION # P34-04

PLANNING COMMISSION RESOLUTION NO. P34-04

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION
RECOMMENDING **APPROVAL** TO THE BOARD OF COUNTY
COMMISSIONERS OF THE LIVABLE COMMUNIKEYS MASTER PLAN
FOR TAVERNIER CREEK TO MILE MARKER 97.

WHEREAS, the Monroe County Year 2010 Comprehensive Plan in Objective 101.20 directs Monroe County to address local community needs while balancing the needs of all Monroe County Communities in an effort that focuses on the human crafted environment undertaken through the Livable CommuniKeys Planning Program; and

WHEREAS, Policy 101.20.1 of the Year 2010 Comprehensive Plan directs Monroe County to develop a series of Community Master Plans in accordance with twelve (12) enumerated principles; and

WHEREAS, the Monroe County Planning and Environmental Resources Department in compliance with the Monroe County Year 2010 Comprehensive Plan has prepared the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97; and

WHEREAS, the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 addresses the specific local community needs identified by the public and staff in a series of public meetings, individual and group discussions with the public, a survey and staff research; and

WHEREAS, the vision set for the Tavernier Creek to Mile Marker 97 Planning Area is: An island community committed to preserving its heritage, natural setting and stands of native tropical hardwood hammocks, with improvements to the visual character of the U.S. 1 corridor, limited redevelopment of commercial properties, and neighborhoods where residents have access to the water and recreational facilities; and

WHEREAS, the Livable CommuniKeys Master Plan for the area of Tavernier Creek to Mile Marker 97 develops that vision providing for the preservation, restoration, acquisition and management of environmentally sensitive lands, protection and enhancement of the planning areas small town character, design guidelines and standards to guide renovation and redevelopment of the U.S 1 corridor and historic resources, controlled and directed commercial development, promotion and encouragement of the provision of employee and affordable housing, encouragement of multi-modal transportation, vehicle, bicycle and pedestrian safety improvements, enhancement of existing park facilities and provision of additional recreational resources and improvements to the streetscape aesthetics of Tavernier with guidance for enhancements and design themes that recognize the distinctive flavor of Tavernier to create an identifiable and high quality image for the U.S.1 corridor; and

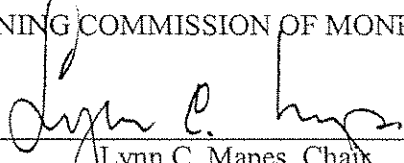
WHEREAS, The Tavernier Commercial Corridor Enhancements Master Plan responds to the goals developed by the community and detailed in the Livable CommuniKeys Master Plan Program, and

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings support their decision to recommend **APPROVAL** to Monroe County Board of County Commissioners of the proposed Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97.

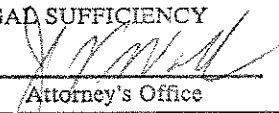
PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida at a regular meeting held on the 23rd day of June 2004.

Chair Lynn Mapes	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner David C. Ritz	<u>YES</u>
Commissioner Julio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By 
Lynn C. Mapes, Chair

Signed this 8TH day of September, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY 
Attorney's Office

**DEVELOPMENT REVIEW COMMITTEE
RESOLUTION #D09-04**

DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. D09-04

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE PLANNING COMMISSION OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97, DRAFT ONE FOR FURTHER PUBLIC REVIEW AND COMMENT.

WHEREAS, during a regularly scheduled meeting held on March 8, 2004, the Development Review Committee conducted a review and consideration of the Livable CommuniKeys Master Plan (LCP) for Tavernier Creek to Mile Marker 97, Draft One; and

WHEREAS, the Development Review Committee examined Draft One of the Master Plan, dated February 20, 2004; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Objective 101.20 outlines the Livable CommuniKeys as a planning program which is to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, Policy 101.20.1 of the Year 2010 Comprehensive Plan directs Monroe County to develop a series of Community Master Plans which shall include specific criteria, including close coordination with other community plans ongoing in the same area; and

WHEREAS, the Tavernier Creek to Mile Marker 97 LCP began in early 2001 and with a public workshop held on March 1, 2001; and

WHEREAS, two other workshops were held on September 20, 2001 and March 26, 2002 in order to provide an opportunity for community input and to direct the LCP planning effort, and surveys were sent to property owners and business owners to provide further feedback for the plan; and

WHEREAS, the resulting draft plan addresses the planning and community issues raised in the meetings, obtained through surveys and public comments; and

WHEREAS, draft one of the LCP will be reviewed and discussed at a series of Planning Commission meetings where public comment will be taken on the Plan; and

WHEREAS, the final LCP document must be approved by the Monroe County Board of County Commissioners and the Florida Department of Community Affairs as the policy document to guide future growth and development of the planning area;

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings support their decision to recommend **APPROVAL** to Monroe County Planning Commission of the proposed Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97, Draft One for further public review and comment.

PASSED AND ADOPTED By the Development Review Committee of Monroe County, Florida at a regular meeting held on the 8th day of March, 2004.

Aref Joulani, Senior Coordinator, Development Review	<u>YES</u>
Ralph Goulby, Senior Administrator, Environmental Resources	<u>YES</u>
David Daquisto, Island Planning Team Director (Upper Keys)	<u>YES</u>
Robert Will, Senior Planner	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By 

Aref Joulani, DRC Chair

Signed this 29th day of March, 2004.